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**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
November 17, 2015**

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager *[Signature]*

FROM: Brooke Woodcox, Finance Director *[Signature]*

DATE: November 17, 2015

SUBJECT: Rio Dell/Scotia Chamber of Commerce Transient Occupancy Tax (TOT) Revenue Contributions

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**RECOMMENDATION**

1. At this time staff recommends that the Council take no action towards contributing TOT revenue to the Chamber of Commerce in light of serious budget constraints
2. If Council chooses to contribute TOT revenues to the Chamber of Commerce, staff recommends a contractual agreement between the City and the Chamber that outlines all stipulations and understandings in regards to TOT contributions

**BUDGETARY IMPACT**

The budgetary impact to the General Fund is dependent on Council action. The general fund is currently operating with a deficit for the 2015-16 fiscal year.

**BACKGROUND AND DISCUSSION**

At a regularly scheduled Council meeting on November 3, 2015 staff followed up on a request to Council for a percentage of Transient Occupancy Tax to go towards the Rio Dell/Scotia Chamber of Commerce. Mr. Angeloff, the Chamber's president, was unable to attend the

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**TO:** Rio Dell City Council

**THROUGH:** Kyle Knopp, City Manager

**FROM:** Karen Dunham, City Clerk

**DATE:** November 17, 2015

**SUBJECT:** Designation of Representatives to the PACE JPA Board of Directors

**RECOMMENDATION**

Approve Resolution No. 1278-2015 approving designation of Brooke Woodcox, Finance Director as the official representative and Karen Dunham, City Clerk as alternate representative to the PACE JPA Board of Directors

**BUDGETARY IMPACT**

None

**BACKGROUND AND DISCUSSION**

Participation in the Public Agency Coalition Enterprise (PACE) Medical Benefits Program requires each member entity to be part of a Joint Powers Agreement (JPA) which outlines the purpose and participation requirements to become a member of the program.

One of the requirements under the PACE JPA is that each member agency appoint a representative and alternate to the PACE JPA Board of Directors. Regular meetings are held on a quarterly basis and can be attended via internet so no travel expense is anticipated at this time.

Attachment:

Resolution No. 1278-2015

**RESOLUTION NO. 1278-2015**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF RIO DELL APPROVING DESIGNATION OF  
THE OFFICIAL REPRESENTATIVE AND  
ALTERNATE REPRESENTATIVE TO THE  
PACE JPA BOARD OF DIRECTORS**

**WHEREAS, the CITY OF RIO DELL, is a member of the PACE JPA; and**

**WHEREAS, the PACE JPA requires each member agency to have a  
representative at the regularly scheduled meetings; and**

**WHEREAS, the Bylaws of the PACE JPA requires the Board of each member  
agency to appoint a representative and alternate.**

**NOW, THEREFORE, BE IT RESOLVED that BROOKE WOODCOX,  
Finance Director, is hereby appointed as official representative and KAREN  
DUNHAM, City Clerk is hereby designated as official alternate from the City of Rio  
Dell to attend the PACE JPA meetings.**

**PASSED AND ADOPTED this 17th day of November, 2015 by the following  
vote:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Frank Wilson, Mayor

**ATTEST:**

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify  
the above to be a full, true and correct copy of Resolution No. 1278-2015 adopted by the  
City Council of the City of Rio Dell on November 17, 2015.

\_\_\_\_\_  
Karen Dunham, City Clerk


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675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



**For Meeting of: November 17, 2015**

**To:** City Council

**From:** Kevin Caldwell, Community Development Director 

**Through:** Kyle Knopp, City Manager

**Date:** November 9, 2015

**Subject:** Text Amendment Revising the Planning Commission's Regularly Scheduled Meeting of Each Month, Section 2.60.030(4) of the Rio Dell Municipal Code

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Reopen the public hearing, receive public input, and deliberate; and
3. Approve and adopt Ordinance No. 339-2015 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) changing the Planning Commission's monthly regular meeting from the fourth Thursday of the month to the fourth Tuesday of the month and continue consideration, approval and adoption of the proposed Ordinance to your meeting of November 17, 2015 for the second reading and adoption; and
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

## Background/Summary

Staff introduced Ordinance No. 339-2015 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) which will change the Planning Commission's monthly regular meeting date from the fourth Thursday of the month to the fourth Tuesday of the month. The purpose of the amendment is to accommodate newly appointed Planning Commissioner Julie Woodall.

Below is a copy of the current and recommended language of the Rio Dell Municipal Code (RDMC), Section 2.60.0030(4):

*The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at 6:30 p.m. on the fourth ~~Thursday~~ Tuesday of the month and, in the event that the fourth ~~Thursday~~ Tuesday falls on a legal holiday, the meeting shall be held the following ~~Thursday~~ day at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.*

## Attachments

1. Ordinance No. 339-2015 amending Section 2.60.030(4) of the Rio Dell Municipal Code (RDMC) changing the Planning Commission's monthly regular meeting from the fourth Thursday of the month to the fourth Tuesday of the month.

**ORDINANCE NO. 339-2015**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SECTION 2.60.030(4) OF THE RIO DELL MUNICIPAL CODE (RDMC) CHANGING  
THE PLANNING COMMISSION'S MONTHLY REGULAR MEETING FROM THE FOURTH  
THURSDAY OF THE MONTH TO THE FOURTH TUESDAY OF THE MONTH**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** staff informed the Planning Commissioner's at their meeting of September 24, 2015, that Julie Woodall was considering making application for the vacant Planning Commission position; and

**WHEREAS** the Planning Commission currently meets the fourth Thursday of the month; and

**WHEREAS** due to Mrs. Woodall's work schedule she would not be able to attend Thursday night meetings; and

**WHEREAS** the Planning Commission considered and discussed changing the regular monthly meeting date to accommodate Mrs. Woodall, should she be appointed to the vacant Planning Commission position; and

**WHEREAS** the Planning Commission had no objection to changing the meeting date to accommodate Mrs. Woodall; and

**WHEREAS** Mrs. Woodall was appointed to the Planning Commission by the City Council at the meeting of October 20<sup>th</sup>, 2015; and

**WHEREAS** should the Council decide to approve the Planning Commission's recommendation to move the regularly scheduled meeting to the fourth Tuesday of the month, staff and the Planning Commission recommends that Section 2.60.030(4) be further amended; and

**WHEREAS** the current language requires that if the meeting date falls on a legal holiday, the meeting shall be held the following Thursday at the same hour; and

**WHEREAS** if the Council does decide to approve the Planning Commission's recommendation, staff recommends that if the meeting date does fall on a holiday, the meeting rescheduled to the following day (Wednesday).

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.** Section 2.60.030(4) of the Rio Dell Municipal Code is hereby amended as follows:

*The Commission shall hold at least one regular meeting each month. The regular meeting of the Planning Commission shall be held at 6:30 p.m. on the fourth ~~Thursday~~ Tuesday of the month and, in the event that the fourth ~~Thursday~~ Tuesday falls on a legal holiday, the meeting shall be held the following ~~Thursday~~ day at the same hour. Location shall be in the Rio Dell City Hall Council Chambers at 675 Wildwood Avenue.*

**Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

**Section 4. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on November 3, 2015 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 17, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 339-2015 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 17, 2015.

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Karen Dunham, City Clerk, City of Rio Dell




675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532



For Meeting of: November 17, 2015

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: November 9, 2015

Subject: Approval and adoption of Ordinance No. 340-2015 amending the "Definition" provisions, Chapter 17.10 of the Rio Dell Municipal Code (RDMC) to amend some existing definitions, include additional definitions and eliminate some definitions

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, close the public hearing; and
3. Find that the proposed text amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and
4. Find that the proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA); and
5. Adopt Ordinance No. 340-2015 amending the "Definition" provisions, Chapter 17.10 of the Rio Dell Municipal Code (RDMC) to amend some existing definitions, include additional definitions and eliminate some definitions; and
6. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

## **Background and Discussion**

At your meeting of November 3<sup>rd</sup>, staff introduced Ordinance No. 340-2015 amending the "Definition" provisions, Chapter 17.10 of the Rio Dell Municipal Code (RDMC) to amend some existing definitions, include additional definitions and eliminate some definitions.

There was very little discussion regarding the proposed amendments and no revisions or changes were recommended by the Council or the public. As such, staff is recommending that the Council:

1. Find that the proposed text amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and
2. Find that the proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA);
3. Adopt Ordinance No. 338-2015 amending the Fence Regulations to: (1) allow ornamental fencing materials, such as wrought iron fences with or without masonry or wood posts/piers or cyclone fencing no taller than 7 feet provided the fence is at least 60% open, within the front yard setback and; (2) to prohibit razor or concertina wire fences; and
4. Direct the Clerk of the Board to post the Ordinance adoption summary.

## **Attachments**

Attachment 1: Ordinance No. 340-2015 amending Chapter 17.10, Definitions, of the Rio Dell Municipal Code (RDMC) to amend some existing definitions, include additional definitions and eliminate some definitions.

**ORDINANCE NO. 340-2015**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING CHAPTER 17.10, "DEFINITIONS" OF THE RIO DELL MUNICIPAL CODE:**

**THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:**

**WHEREAS** a number of new or modified use types were identified as part of the recently completed Land Use Matrix; and

**WHEREAS** staff is recommending that the existing Definitions found in Chapter 17.10 of the Rio Dell Municipal Code (RDMC) be expanded to include the new or modified use types; and

**WHEREAS** staff is also recommending that Chapter 17.10, "Definitions", be expanded to include other definitions of terms commonly used in administering the City's Zoning Regulations, Title 17 of the Rio Dell Municipal Code; and

**WHEREAS** the intent of expanding the definitions is to ensure that the terms found in Title 17 of the RDMC are clearly defined; and

**WHEREAS** the recommended amendments will not benefit staff in administering the provisions of the Zoning Ordinance, but also provides clear information to the citizen's, applicants and agents of project proponents within the City; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

**WHEREAS** the City has reviewed and processed the proposed amendment in conformance with Section 17.35.010 of the City of Rio Dell Municipal Code; and

**WHEREAS** the City finds that based on evidence on file and presented in the staff report that the proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and

**WHEREAS** the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell does hereby ordain as follows:

**Section 1.** Chapter 17.10, "Definitions", of the Rio Dell Municipal Code is hereby amended as follows:

**Chapter 17.10  
DEFINITIONS**

**17.10.010 Definitions.**

Unless the context otherwise requires, the definitions set forth or otherwise provided for in this chapter shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure," the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased, or intended to be used," and the word "shall" is mandatory and not directory.

"Abutting" means land having a common property line or separated only by an alley, easement or private street.

"Accessory Horse Keeping" means the keeping and use of horses, llamas, alpacas, and/or ponies, and similar uses, on a parcel where such keeping and use is not the principal use of the parcel. The number of horses is controlled by each zoning district, whereas the term horses shall include horses, mules, and donkeys.

"Accessory Retail" means the retail sales of various products (including food service) in a store or similar facility that is located within a health care, hotel, office, industrial, or institutional complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; gift shops, convenience stores and food service establishments within hotel, office, industrial, and institutional complexes. This use category also includes retail associated with commercial and industrial uses for the products sold, distributed or manufactured on site. Such retail area shall not exceed 25 percent of the facility's total square footage.

"Accessory Structure (attached)" means an attached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof that is structurally attached to a primary structure. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns and other agricultural outbuildings, as well as carports, patio covers, gazebos, stables and other agricultural outbuildings with solid roof construction.

"Accessory Structure (detached), Enclosed and/or Solid-Roofed" means a detached accessory structure which is either entirely enclosed by walls and a solid roof or is partially enclosed with a solid roof that is not structurally attached to a primary structure. This classification of accessory structures includes garages, greenhouses, poolhouses, sunrooms, workshops, storage sheds, barns and other agricultural outbuildings, as well as carports, patio covers, gazebos, stables and other agricultural outbuildings with solid roof construction.

**“Accessory Uses” means related uses necessary, or incidental, appropriate and subordinate to the operation and enjoyment of the principal use of the parcel or structure on which such use is authorized by zoning district regulations and as otherwise stated herein. Accessory uses are permanent or long-term in nature, distinct from the temporary use regulations.**

“Addition” means the result of any work that increases the volume of an existing structure or replaces a demolished portion.

“Address of Convenience” means non-residential activities associated with any profession, occupation or hobby, having no employees, receiving no more than one delivery per day at the residence and utilizing a private residence only for receiving mail, phone calls and related record keeping (typically a mobile business). No more than one truck or other motor vehicle no larger than one ton and shall be permitted at the site of the Home Occupation.

“Adult bookstore” means an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are substantially devoted to the depiction of specified sexual activities or specified anatomical areas.

**“Adult Day Care Facility” means a State-licensed facility that provides non-medical care and supervision for more than six adults for periods of less than 24 hours, with no overnight stays.**

**“Adult Day Care Home” means pursuant to definitions of state law, a home which provides supervision and non-medical care to six or fewer adults, including elderly persons, in the provider’s own residence, on a less than 24-hour basis. Homes serving more than six adults are included in “Adult Day Care Facility”.**

“Adult entertainment” is defined as including the terms “adult bookstore,” “adult motion picture theater,” “specified anatomical areas,” and “specified sexual activities,” each of which are defined herein.

“Adult entertainment activity” means any activity which activity is conducted exclusively for the patronage of persons who are 18 years of age or older and from which persons 17 years of age or younger are specifically excluded, with the inclusion of those licensed and regulated by State and Federal agencies but not limited to such businesses as adult bookstores, adult massage parlors, adult motion picture theaters, and adult entertainment in night clubs.

“Adult entertainment in night clubs” means night clubs which feature topless dancers, bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.

“Adult motion picture theater” or “adult motion picture mini-theater” means an enclosed building or portion thereof, used for presenting material in the form of motion picture film, video tape, holographic projection or other similar means which is substantially devoted to the depiction of specified sexual activities or specified anatomical areas for observation by persons therein.

**“Affordable Rent” means monthly housing expenses, including a reasonable allowance for utilities (30% of gross monthly income), for rental Inclusionary Units reserved for Very Low or Low Income Households, not exceeding the following calculations:**

(a) Very Low Income. 50 percent of the area median income for Humboldt County, adjusted for household size, multiplied by 30 percent, and divided by 12;

(b) Low Income. 60 percent of the area median income for Humboldt County, adjusted for household size, multiplied by 30 percent, and divided by 12.

"Affordable Sales Price" means a sales price at which a Low or Moderate Income Household can qualify for the purchase of an Inclusionary Unit, calculated on the basis of underwriting standards of mortgage financing available for the development.

"Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and secondary accessory uses, but not including commercial stock yards, slaughter houses, hog farms, fertilizer works or plants for the reduction of animal matter.

"Agricultural Products Processing" means the act of changing an agricultural crop, subsequent to its harvest in order to prepare it for market or for further processing.

"Alley" or "lane" means a public or private way less than 40 feet wide affording only secondary means of access to abutting property.

"Alcoholic Beverage Sales" means the retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premise consumption.

"Ambulance Service" means emergency medical care and transportation, including incidental storage and maintenance of vehicles.

"Amphitheater" means an outdoor entertainment venue with a gallery facing the performance area with or without seats for spectators.

"Amusement Arcades" means establishments containing devices commonly known as pinball machines, video games, games of skill of whatever kind or nature, whether electronically activated or not.

"Animal hospital" means a building used for the care and treatment of sick or injured dogs, cats, rabbits, birds and similar small animals.

"Animal Husbandry" means raising and breeding of animals or production of animal products. Typical uses include grazing, ranching, dairy farming, poultry farming, and beekeeping, but excludes slaughterhouses and feedlot operations. This classification includes accessory agricultural buildings accessory to such uses. Animal sales, boarding, and grooming are defined separately under "Animal Sales and Grooming". Keeping of animals is defined separately under "Animal keeping".

"Animal Keeping" means care and maintenance of animals on private property. The listing below provides a distinction between various types of animals related to allowed use provisions in Article III. This classification is distinct from "Animal Husbandry" and "Animal Sales and Grooming."

(a) Domestic Pets. Small animals (no larger than the largest breed of dogs) customarily kept as pets within a dwelling unit. This classification includes dogs, cats, fish, and birds (excluding large tropical birds and poultry).



(b) Exotic Animals. Any wild, dangerous, or venomous animal, not customarily confined or cultivated by man for domestic or commercial purposes, but kept as a pet or for display, including, but not limited to, mammals, fowl, fish or reptiles.

(c) Livestock Animals. All other domestic or domesticated animals other than household pets, including, but not limited to, cattle, sheep, goats, horses, mules, llamas, ostriches, emus, and swine.

(d) Poultry. Domesticated birds (fowl) customarily kept for eggs or meat. This classification includes chickens, roosters, ducks, geese, turkeys, guinea fowl, and Cornish game hens.

“Animal Sales and Grooming” means retail sales of domestic and/or exotic animals, bathing and trimming services conducted entirely within an enclosed building with no outdoor use.

“Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or movable. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

“Antenna, amateur radio” means any antenna which is used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission.

“Antenna, directional (also known as a “panel” antenna)” means an antenna that transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.

“Antenna, building-mounted” means any antenna directly attached or affixed to a building, tank, tower, or other structure. Building-mounted antenna are identified in two distinct categories herein as follows:

(a) Wall-mounted. Attached or affixed to the elevation of the structure.

(b) Roof-mounted. Attached or affixed to the rooftop or top of the structure.

“Antenna, ground-mounted” means any antenna with its base (either single or multiple posts) placed directly on the ground or a mast 12 feet or less in height and six inches in diameter.

“Antenna, parabolic (also known as “satellite dish” antenna)” means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern from orbiting satellites or ground transmitters. This definition is meant to include what are commonly referred to as television receive only (TVRO) and satellite microwave antennas.

"Appliance, Furniture and Furnishings Stores" means stores engaged primarily in selling the following products and related services, including incidental repair services; draperies, floor coverings, furniture, glass and chinaware, home appliances, home furnishings, home sound systems, interior decorating materials and services, large musical instruments, including but not limited to pianos, cellos and harps, movable spas and hot tubs, office furniture, other household electrical and gas appliances, outdoor furniture refrigerators, etc.

"Art, Antique, Collectable Sales" means antique shops, art galleries, curio, gift, and souvenir shops, and the sales of collectible items including sports cards, coins, stamps, and comic books. (Stores selling handcrafted items that are produced on the site are instead defined as "Artisan Shops.")

"Artisan Shops" means retail stores selling art glass, ceramics, jewelry, weaving, quilts, and other handcrafted items, where the facility includes an area for the crafting of the items being sold.

"Artisan/Craft Product Manufacturing" means establishments manufacturing and/or assembling products primarily by hand, including jewelry, pottery and other ceramics, as well as glass and metal art, craft products, and body products (i.e. soaps, oils, etc.)

"Auto and Vehicle Sales/Rentals" means retail establishments selling and/or renting automobiles, trucks, vans, motorcycles, mobile homes, recreation vehicles, and/or boats. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include: the sale of auto parts/accessories separate from a vehicle dealership (see "Auto Parts Sales"); bicycle and moped sales (see "General Retail Stores"); tire recapping establishments (see "Vehicle Services"); businesses dealing exclusively in used parts, (see "Recycling - Scrap and Dismantling Facility"); or "Service Stations," which are separately defined.

"Auto and Vehicle Storage" means storage of operative and inoperative vehicles for limited periods of time. Includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreation vehicles. Does not include vehicle dismantling or retail sales.

"Auto Parts Sales" means stores that sell new automobile parts, tires, and accessories. May also include minor parts installation (see "Automobile and Vehicle Services"). Does not include tire recapping establishments, which are found under "Vehicle Services" or businesses dealing exclusively in used parts, which are included under "Recycling - Scrap and Dismantling Facility."

"Automobile Washing and Detailing" means permanent, drive-through, self service and/or attended car washing establishments, including fully mechanized facilities. May include detailing services.

"Automobile/Vehicle Detailing" means establishments providing automobiles, trucks (non-commercial), boats and recreational vehicle cleaning, waxing, polishing, interior cleaning/vacuuming etc. services.



“Automobile Gas Stations, including charging stations, without vehicle service” means a retail business selling gasoline and/or other motor vehicle fuels and related parts, fluids and accessories.

“Automobile Gas Stations, including charging stations, with minor vehicle service” means a retail business selling gasoline and/or other motor vehicle fuels and related parts, fluids and accessories and providing the adjustment, replacement or maintenance of parts, including tires, brakes, headlights, oil changes, alignments, tune-ups, etc. It shall not include complete engine or transmission replacement or rebuilding, body and frame repairs or painting.

“Automobile and Vehicle Sales/Rentals” means retail establishments selling and/or renting automobiles, trucks, vans, motorcycles, recreation vehicles and/or boats. May also include repair shops and the sales of parts and accessories incidental to the vehicle dealership.

“Automobile and Vehicle Services, Major Repair/Body Work” means establishments providing general repair, rebuilding, reconditioning, removal and replacement of engines, transmissions, drive-trains, collision repair including body, frame or fender straightening of automobiles, trucks, boats, recreational vehicles, etc.

“Automobile and Vehicle Services, Maintenance and Minor Repair” means establishments providing the adjustment, replacement or maintenance of parts, including tires, brakes, headlights, oil changes, alignments, tune-ups, etc. It shall not include complete engine or transmission replacement or rebuilding, body and frame repairs or painting.

~~Automobile Repair, Minor. “Minor auto repair” means the adjustment or replacement of parts, tires, brakes, headlights, and the like, and the tuning of engines. It shall not include complete engine overhaul or rebuilding, body and frame repairs, or painting.~~

“Automobile wrecking” means the commercial dismantling or disassembling of used motor vehicles or trailers, tractors, self-propelling farm or road machinery, or the storage, sale or dumping of same when dismantled, partially dismantled, obsolete or wrecked, or the parts thereof.

“Awnings” means any structure made of a flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

“Banks and Financial Services” means financial institutions including: banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies.

“Banner” means any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National, State, or Municipal flags shall not be considered

"Bars and Nightclubs" means any bar, cocktail lounge, discotheque, or similar establishment, which may also provide live entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales. These facilities do not include bars that are part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include the brewing of beer as part of a brew pub or micro- brewery.

~~"Bars" means businesses where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May include entertainment (e.g., live music and/or dancing, comedy, etc.). May also include beer brewing as part of a microbrewery, and other beverage tasting facilities.~~

"Bed and Breakfast Inns" means residential structures with one family in permanent single-family residence with not more than four (4) bedrooms rented for overnight lodging, and may only serve food to its registered guests. The food service is restricted to breakfast or a similar early morning meal, and light foods or snacks. The price of the food must be included in the price of the overnight accommodation.

"Broadcasting and Recording Studios" means commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Does not include transmission and receiving apparatus such as antennas and towers, which are under the definition of "Telecommunications Facility."

"Beginning of construction" means the incorporation of labor and material within the foundation of a building.

"Boarding and Rooming Houses" means a dwelling or part thereof with one family in permanent residence, with not more than three rented bedrooms and where meals or meals and lodging are provided for compensation.

~~"Boarding house" means a dwelling or part thereof where meals and/or lodging are provided for compensation for three or more persons.~~

"Building" means any structure having a roof used or intended to be used for the shelter or enclosure of persons, animals or property.

"Building, accessory" means a detached subordinate building located on the same building site as the main building and designed and intended for a use which is subordinate to the main building.

"Building Frontage, Primary" means the building frontage that faces the street. In cases where a building has more than one street frontage, the street address frontage shall be considered the primary building frontage. In cases where a business has no building frontage facing a street, the building frontage with the primary business entrance shall be considered the primary building frontage. A single multi-tenant building has one primary frontage, the allowable sign area for which may be distributed at the discretion of the owner; however, in no event shall the combined sign area for all tenants exceed the allowable sign area for the building.

"Building height" means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof.

"Building, main" means a building in which is conducted the principal use of the building site on which it is situated.

"Building Materials Stores and Yards" means retail establishments selling lumber and other large building materials, where most display and sales occur indoors. (Includes paint, wallpaper, glass and fixtures.) Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "General Retail Stores", even if they sell some building materials, as long as there is no outdoor lumberyard.

"Bus and Transit Shelters" means a small structure designed for the protection and convenience of waiting transit passengers that has a roof and usually two or three sides.

"Business Support Services" means establishments primarily within buildings, providing other businesses with services including maintenance, repair and service, testing, rental, etc., also includes: blueprinting business; equipment repair services (except vehicle repair, see "Automobile and Vehicle Services"); commercial art and design (production); computer-related services (rental, repair); copying, quick printing, and blueprinting services (other than those defined as "Printing and Publishing"); equipment rental businesses within buildings (rental yards are "Storage Yards"); film processing laboratories; heavy equipment repair services where repair occurs on the client site; janitorial services; mail advertising services (reproduction and shipping); mail box services; other "heavy service" business services; outdoor advertising services; photocopying and photofinishing; protective services (other than office related); soils and materials testing laboratories; window cleaning.

"Café/Specialty Shop" means a retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption as well as offering specialty food and beverage products in a distinct category of merchandise generally not prepared for immediate consumption, such as seafood or meat, imported ethnic products, wine, or other specialty foods. This use is distinct from other food or beverage stores in that the type or selection of products offered is not readily available at a convenience market, liquor store, or grocery.

"Camp" or "camping" shall mean to do any of the following:

(a) Sleeping or Reposing, 10:00 p.m. to 6:00 a.m. To sleep or repose at any time between the hours of 10:00 p.m. and 6:00 a.m. in any of the following places or manners: outdoors with or without bedding, tent, hammock, or other similar protection or equipment;

(b) To Set Up Bedding, 10:00 p.m. to 6:00 a.m. To establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, at any time between the hours of 10:00 p.m. and 6:00 a.m., a temporary or permanent place for sleeping by setting up any bedding,

sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment in such a manner as to be immediately usable for sleeping purposes; and

(c) **Setting Up Camp Sites Anytime.** To establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, at any time during the day or night, a temporary or permanent place for cooking or sleeping by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock, or other sleeping equipment, or by setting up any cooking equipment, with the intent to remain in such location overnight.

(d) **Motor Vehicles, Auto Trailers and House Trailers.** To use an automobile, bus, truck, motor home, house trailer, camper, trailer, or recreation vehicle, semi-trailer or truck, or other movable structure for habitation within the City, except in a duly licensed auto camp.

**“Caretaker Housing” means a residence that is accessory to a non-residential primary use of the site, where needed for security, 24-hour care or supervision, or monitoring of facility, equipment, or other conditions on the site.**

**“Catering” means the preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.**

**“Cemeteries, Mausoleums” means a land used for the burial of the dead, and dedicated for cemetery purposes, including crematories, columbariums, and mausoleums. Also see “Funeral Homes and Mortuaries”.**

“City” shall mean the City of Rio Dell.

“City Council” shall mean the City Council of Rio Dell.

“City Manager” means the City Manager for the City of Rio Dell.

**“Civic Center” means a prominent land area that allows for government facility which may include a Police Station, City Hall, Fire Station, impound lot, parking facilities (decks and/or garages), public/quasi-public use, and professional office use.**

“Commercial coach” means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes which is required to be moved under permit, and shall include a trailer coach as defined in the California Vehicle Code, as amended.

“Communication equipment buildings” shall mean buildings housing electrical and mechanical equipment necessary for the conduct of a public utility communication business with or without personnel.

“Community Development Director” means the Director of Planning and Building for the City of Rio Dell.

**“Cottage Industry” means the on-site production of goods by hand manufacturing in an enclosed building which involves only the use of hand tools or domestic mechanical equipment or a single kiln, and the incidental direct sale to consumers of only those**



goods produced on-site by the inhabitants of the property and which is clearly incidental and secondary to the residential use of the property;

“Clubs, Lodges, and Meeting Halls” means a permanent, headquarters-type and meeting facility for organizations operating on a membership basis for the promotion of the interests of the members, including a facility for: business associations; civic, social and fraternal organizations; labor unions and similar organizations; political organizations; professional membership organizations, and/or other membership organizations.

“Coffee House” means an establishment providing coffee and tea as well as light snacks ranging from baked goods to soups and sandwiches, other casual meals, and light desserts.

“Community Centers” means a multi-purpose meeting and recreational facilities typically consisting of one or more meeting or multi-purpose rooms, kitchen and/or outdoor barbecue facilities, that are available for use by various groups for such activities as meetings, parties, receptions, dances, etc.

“Community Garden” means a site used for growing plants for food, fiber, herbs, flowers, which is shared and maintained by nearby residents.

“Community Noise Equivalent Level (CNEL): means a 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of 5 and 10 dBA applied to the evening (7 p.m. to 10 p.m.) and nighttime (10 p.m. to 7 a.m.) periods to allow for greater sensitivity to noise during these hours.

“Contractors Storage Yards” means a storage yards for contractor equipment and supplies.

“Convenience Stores” means an easy access retail stores of 5,000 square feet or less in gross floor area, which carry a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility. Also see “Neighborhood Market” and “Grocery Store/Supermarket” for larger stores or stores oriented towards the daily shopping needs of residents.

“Crop and Tree Farming” means raising for commercial purposes of any truck, field or orchard crop and the necessary buildings incidental to any such crop, wholesale nurseries and greenhouses.

“Crop Production” means raising and harvesting of plants, tree crops, row crops, or field crops on an agricultural or commercial basis, including packing and processing. Includes horticulture establishments engaged in the cultivation of flowers, fruits, vegetables, or ornamental trees and shrubs for wholesale and incidental retail sales. This classification includes accessory agricultural buildings accessory to such uses and roadside stands for display/sale of agricultural products grown on the premises. Excludes uses for which other garden, nursery or landscape merchandise is stored and sold on the site.

“dB. Decibel” means a unit used to express the relative intensity of a sound. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.

“dBA” means the “A-weighted” scale for measuring sound in decibels; adjusts the effects of low and high frequencies in order to simulate human hearing.

“Density Bonus” means a density increase over the otherwise maximum allowable residential density for the provision of affordable housing.

“Density Bonus Housing Agreement” means a legally binding agreement between a developer and the City of Rio Dell to ensure that the requirements of this Section are satisfied.

“Density Bonus Units” means those residential units granted pursuant to the provisions of this Section, which exceed the otherwise Maximum Residential Density for the development site.

“Density Incentive” means a density increase over the otherwise maximum allowable residential density.

“Development Agreement” means an agreement entered between a developer and the City pursuant to Government Code Section 65864 et seq. as those sections exist or are hereafter amended or renumbered.

“Direct Broadcast Satellite Service (DBS)” means a system in which signals are transmitted directly from a satellite to a small home receiving dish.

“Dog Park” means a park for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners. enclosure for small dogs.

“Domestic Violence Shelter” means any emergency or transitional housing shelter operated with the primary purpose of sheltering victims of domestic violence and their dependents the location of which is considered to be secured and confidential.

“Drive-in and Drive-through Sales” means facility where food or other products may be purchased by motorists without leaving their vehicles. These facilities include fast-food restaurants, drive through coffee, dairy product, photo stores, pharmacies, etc.

“Drive-in and Drive-through Services” means a facility where services may be obtained by motorists without leaving their vehicles. These facilities include drive-up bank teller windows, dry cleaners, etc. (see also: automobile service stations, or car washes, which are separately defined.)

“Dwelling” means any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence for one or more families, but not including a tent, boat, trailer, mobile home, dormitory, labor camp, hotel or motel.

“Dwelling, Multi-Family” means a building designed and intended for occupancy by three or more families living independently of each other, each in a separate dwelling unit, which may be owned individually or by a single landlord (e.g., apartment, apartment house, townhouse, condominium).

~~“Dwelling, multiple family” means a building or portion thereof containing three or more dwelling units.~~

"Dwelling, Second Unit" means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking and sanitation sited on the same parcel as the primary dwelling unit.

"Dwelling, Single-Family" means a freestanding residential building designed for and/or occupied exclusively by one living unit that includes one kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking. This classification includes manufactured homes (defined in California Health and Safety Code Section 18007) and model homes for the first sale of homes within the subdivision. "Manufactured Home", as defined in the HCD Safety Code Section 18007 is, " for the purposes of this part, means a structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected onsite, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part. "Manufactured home" includes a mobilehome subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. S401, et seq.)."

~~"Dwelling, single-family" means a building containing exclusively one dwelling unit.~~

"Dwelling, Two-Family" means an attached building (e.g. duplex) designed for occupancy by two families living independently of each other, where both dwellings are located on a single lot. More than one two-family dwelling may be located on a single lot consistent with the density provisions of the General Plan. Does not include "Second Dwelling Units."

~~"Dwelling, two family" or "duplex" means a building containing exclusively two dwelling units under a common roof.~~

"Dwelling unit" means one room, or a suite of two or more rooms, designed and intended for occupancy or a place of residence by one family, and which unit has one kitchen or kitchenette.

"Emergency Shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, which does not deny emergency shelter because of an inability to pay.

"Equestrian Facility, Commercial" means a commercial horse, donkey, pony, and/or mule facility including horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), pack stations, and barns, stables, corrals and paddocks accessory and incidental to these uses.

"Equestrian Facility, Hobby" means stables, corrals, paddocks used by the individual residents of related property and their animals.

"Equipment and Material Storage Yards" means an outdoor storage of large construction equipment or machinery, company vehicles, or large quantities of other materials and related uses. Excludes storage associated with vehicle service and equipment.

"Equipment Sales and Rental" means service establishments with outdoor storage/rental yards, which may offer a wide variety of materials and equipment for rental, including construction equipment.

"Family" means a person living alone, or two or more persons related by blood, marriage or adoption, or a group of not more than five unrelated persons living together as a single nonprofit housekeeping unit in a dwelling unit.

"Family Day Care Home, Large" means a State licenced facility that provides family child care for up to 12 children, or for up to 14 children if the criteria in Section 102416.5(c) of the California Code of Regulations are met. These capacities include children under age 10 who live in the licensee's home and the assistant provider's children under age 10. "Family Day Care" or "Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away. The term "Family Child Care" supersedes the term "Family Day Care" as used in previous regulations.

"Family Day Care Home, Small" means a State licenced facility that provides family child care for up to 6 children, or for up to 8 children if the criteria in Section 102416.5(b) of the California Code of Regulations are met. These capacities include children under age 10 who live in the licensee's home. "Family Day Care" or "Family Child Care" means regularly provided care, protection and supervision of children, in the care giver's own home, for periods of less than 24 hours per day, while the parents or authorized representatives are away. The term "Family Child Care" supersedes the term "Family Day Care" as used in previous regulations.

"Feed Lot" means any premises uses principally for the raising or keeping of animals in a confined feeding area. Confined feeding area shall mean any livestock feeding, handling, or holding operation or feed yard where animals are concentrated in an area:

(a) Which is not normally used for pasture or for growing crops and in which animal wastes may accumulate; and

(b) Where the space per animal is less than 600 square feet.

(c) Feedlot is not intended to otherwise preclude the raising of animals as part of a general farming and/or livestock operation or as an FFA, 4-H, or other student project in an agricultural zone. General farming and/or livestock operation shall mean one in which the confined feeding of animals is an incidental part of the total livestock operation.

~~"Feed yard, animal" means a fenced area where livestock are fed a concentrated ration.~~

"Fence" means a barrier made of durable material to establish a boundary, as a means of protection or to provide confinement. Fences provide privacy, screening of negative visual features, noise attenuation, architectural treatment, and security for the property which they enclose.

"Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or design, used as a symbol.



"Flag lot" means lots that have less than the required minimum street frontage on a public or private street where the lot has two distinct parts: (1) The flag, which is the building site and is located behind another lot; and (2) The pole which connects the flag to the street. (Ord. 278, 2011)

"Food and Beverage Manufacturing" means manufacturing establishments producing or processing foods and beverages for offsite human consumption. Large scale operations would include more than 10 employees, while smaller scale operations may be related to specialty/craft foods or people living in a Live/Work situation. Includes bakeries (wholesale), bottling plants, breweries, candy, sugar and confectionery products. Manufacturing catering services separate from stores or restaurants, coffee roasting, dairy products manufacturing, fats and oil product manufacturing, fruit and vegetable canning, preserving, related processing, grain mill products and by-products, meat, poultry, and seafood canning, curing, byproduct processing, soft drink production, miscellaneous food item preparation from raw products. May include tasting and accessory retail sales of beverages produced on site. Does not include: bakeries which sell all products on-site, which are included in the definition of "General Retail Stores;" or beer brewing as part of a brew pub, bar or restaurant (see "Bars and Night Clubs").

"Fuel Storage and Distribution" means a facility where fuel (such as propane and gasoline) is stored and distributed without retail sales.

"Funeral Homes and Mortuaries" means funeral homes and parlors where the deceased are prepared for burial or cremation and in which funeral services may occur.

"Furniture and Fixtures Manufacturing, Cabinet Shops" means manufacturers producing household furniture, office furniture and partitions, shelving, store furniture, cabinets, drapery hardware, window blinds and shades, countertops.

"Garage, private" means an accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site.

"Garden Center/Plant Nursery" means establishments providing for the cultivation and sale of ornamental trees, shrubs, and plants, including the sale of garden and landscape materials (packaged and/or bulk sale of unpackaged materials) and equipment, including but not limited to, lawn movers, tillers and edgers, shovels, hoes, rakes, hoses, wheelbarrows.

"Glass Product Manufacturing" means manufacturing establishments producing flat glass and other glass products which are pressed, blown, or shaped from glass produced in the same establishment. Does not include artisan and craftsman type operations as defined in "Artisan/Craft Product Manufacturing".

"Glare" means light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

"Golf Courses/Country Clubs" means golf courses and accessory facilities and uses including: clubhouses that may include a bar and/or restaurant; locker and shower

facilities; pool(s); tennis courts; driving ranges; "pro shops" for on-site sales of golfing equipment; and golf cart storage and sales facilities.

"Graywater" means graywater, sometimes spelled greywater, grey water or gray water and also known as sullage, is non-industrial wastewater generated from domestic processes such as washing dishes, laundry and bathing. Graywater comprises 50-80% of residential wastewater.

"Grocery Stores/Supermarket" means a retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full service businesses do not typically have limited hours of operation. See separate but related listings for "Neighborhood Market" and "Convenience Store".

"Ground or Lot Coverage" means the percentage of the total lot area that is covered by structures as herein defined.

"Group Residential" means shared living quarters without separate kitchen and/or bathroom facilities for each room or unit. This classification includes residential hotels, dormitories, fraternities, sororities, convents, rectories, and private residential clubs but does not include living quarters shared exclusively by a family. This category includes boarding houses, which are defined as a building other than a hotel or restaurant, where meals or lodging or both meals and lodging are provided for compensation for 4 or more persons.

"Guest House" means an attached or detached habitable structure with only sleeping, living, and bathroom provisions, exclusive of kitchen or cooking facilities. Such structures shall not be used or rented as a separate dwelling for permanent living quarters.

"Hog Farm, Commercial" means any premises used for the raising or keeping of hogs when raised, fed, or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural and agricultural zoning district, the term hog farm commercial is not intended to otherwise preclude the raising of hogs as part of general agricultural practices and 4-H purposes (See also Animal Keeping).

"Home Occupation" means the conduct of an art or profession, the offering of a service on the conduct of a business, or the manufacture of handicraft products in a dwelling by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. No more than one truck or other motor vehicle no larger than one ton shall be permitted at the site of the Home Occupation.

"Hostel" means a budget-oriented, sociable accommodation where guests can rent a bed, usually a bunk bed, in a dormitory and share a bathroom, lounge and sometimes a kitchen. Rooms can be mixed or single-sex, although private rooms may also be available.

"Hotels and Motels" means facilities with guest rooms or suites provided with or without a kitchen facility, rented to the general public for transient lodging (less than 30 days). Generally, hotels provide access to most guest rooms from an interior walkway or hallway, and typically include a variety of services in addition to lodging; for example, restaurants,

meeting facilities, personal services, etc. Generally motels provide access to most guest rooms from an exterior walkway. Both may include accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

~~"Hotel" means any building or portion thereof containing living quarters or dwelling units without kitchen facilities, and designed for or intended to be used by six or more transient guests; but not including motels, mobile home parks, boarding houses, dormitories or labor camps.~~

"Hours of Darkness" means any time from one-half hour before sunset until one-half hour after sunrise and any other time when the illumination level is less than the required lighting for uses as designated in this Section.

"Impound Lot" means a lot for the temporary storage of automobiles, trucks, buses, recreational vehicles, and similar vehicles. This use excludes vehicle repair or dismantling.

"Incentives or Concessions" means regulatory concessions as specified in California Government Code Subsections 65915 (l) to include, but not be limited to, the reduction of site development standards or Zoning code requirements, direct financial assistance, approval of mixed-use Zoning in conjunction with development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost avoidance or reductions that are offered in addition to a Density Bonus.

"Inclusionary Unit" means a dwelling unit within a Housing Development which will be reserved for sale or rent to, and affordable to, Very Low or Low Income Households, or Qualifying Residents.

"Income, Low Household" means a household whose total annual income falls between 30 percent and 80 percent of the median income of Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Income, Moderate Household" means a household whose total annual income falls between 80 percent and 120 percent of the median income of Humboldt County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Income, Very Low Household" means households whose income does not exceed 30 percent of the Humboldt County median income, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Indoor Amusement/Entertainment Facility" means establishments providing indoor amusement and entertainment services for a fee or admission charge, including; dance halls and ballrooms and electronic game arcades, as stand alone uses. Four or more electronic games or coin-operated amusements in any establishment, or a premise where 50 percent or more of the floor area is occupied by amusement devices, are considered an electronic game arcade as described above.

"Indoor Sports and Recreation Facility" means predominantly participant sports and health activities conducted entirely within an enclosed building, with the exclusion of secondary uses such as a spa, pool, basketball court, or tennis court. Typical uses

include bowling alley, billiard parlor, ice/roller skating rinks, indoor racquetball courts, indoor climbing facilities, soccer areas, athletic clubs and health clubs. Also see Outdoor Commercial Recreation for spectator venues and uses.

"Kennels, Commercial" means a facility for the keeping, boarding and/or maintaining of 5 or more dogs, or 5 or more cats. This definition does not include animals for sale in pet shops, or patients in animal hospitals. This definition includes a kennel where the animals are kept for commercial purposes, including boarding, breeding, buying, selling, renting, exhibiting, or training. Does not include a veterinary facility, pet shop, or animal shelter.

"Kennels, Hobby" means a facility for the keeping, boarding and/or maintaining of 5 or more dogs (4 months of age or older), or 5 or more cats when the animals are owned or kept by an occupant for personal, non-commercial purposes including: hunting, tracking, exhibiting at shows, exhibitions, field trials or other competitions, enhancing or perpetuating a given breed. This definition does not apply to non-domestic animals used in conjunction with an agricultural operation.

"Junk yard" means the use of more than 200 square feet of area of any parcel, lot or contiguous lots as a place where imported waste, junk or salvaged vehicles, equipment, machinery or other materials are disassembled, handled, baled, packed, processed, or stored.

"Kitchen" or "kitchenette" means any space used, intended or designed to be used for cooking and preparing food, whether the cooking unit be permanent or temporary and portable.

"Landscape Feature" means a detached decorative structure typically used in conjunction with plant materials for aesthetic enhancement such as patio trellis covers, pergolas and gazebos with non-solid roof construction, arched trellises, arbors, vertical lattice structures, statues, and similar features.

"Laundries and Dry Cleaning Plants" means service establishments engaged primarily in high volume laundry and garment services, including: laundries; garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; and on-site carpet and upholstery cleaners. Does not include coin-operated laundries or dry cleaning pick-up stores without dry cleaning equipment. (see "Personal Services").

Legal Non-Conforming Situations. A legal non-conforming situation is any land use, structure, lot of record, or other situation related to the use or development of land that:

(a) Was legally established prior to the effective date of this Section or its subsequent amendment, or prior to the annexation of the property on which such non-conforming situation exists into the City, and

(b) Does not now fully conform to the requirements of this Section, as amended.

Legal Non-Conforming Lot. A legal non-conforming lot is a lot designated on an approved and recorded subdivision plat or that constitutes a whole parcel reflected by a valid and recorded deed, in compliance with the subdivision provisions of Section 16 or prior subdivision regulations, which fails to conform to the minimum lot area, depth, width or other applicable dimensional requirement for the district in which it is located, and which is legally non-conforming. A non-conforming lot, which has frontage only on an undeveloped platted street, shall not be considered a legal non-conforming lot for purposes of this Zoning Code.



Legal Non-Conforming Sign. A legal non-conforming sign is a sign that does not fully conform to the standards of the sign regulations of Title 17 and that is legally non-conforming under Subsection A of the above definition "Legal Non-Conforming Situations".

Legal Non-Conforming Situation, Other. Other legal non-conforming situations include all other aspects of an established land use or development that does not fully conform with the requirements of Title 17 or any amendment thereto but which is legally non-conforming under Subsection A of the above definition "Legal Non-Conforming Situations". Such other non-conforming situations include, but are not limited to, requirements for off-street parking, landscaping requirements, and other land development requirements.

Legal Non-Conforming Structure. A legal non-conforming structure is any building or structure which does not fully conform to the standards imposed by the zoning provisions of this Section, but which is legally non-conforming under Subsection A of the above definition "Legal Non-Conforming Situations".

Legal Non-Conforming Use. A use of land, building(s), or other structure(s), or any combination thereof, that is legally non-conforming under Subsection A of the above definition "Legal Non-Conforming Situations".

Library. A public or quasi-public facility in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending, and which are generally non-commercial in nature.

"Live/work unit" means an integral working space and residential space occupied within a single unit or multi-unit structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity and which:

- (a) Is regularly used for such purposes by one or more persons residing in the unit;
- (b) Includes complete kitchen space and sanitary facilities in compliance with the building code;
- (c) Allows employees with associated required amenities as consistent with the building code; and
- (d) Includes working space reserved and regularly used by one or more occupants of the unit.

"Lot" or "building site" means a parcel of land exclusive of public streets or alleys occupied or intended to be occupied by a main building or group of such buildings and accessory buildings, together with such open spaces, yards, minimum width and area as are required by this title or other ordinance, and having full frontage on an improved and accepted public street which meets the standards of widths and improvements of the County, or having either partial frontage on such street or access thereto by a recorded right-of-way or recorded easement, which partial frontage right-of-way or easement is determined by the Commission to be adequate.

"Lot area" means the total horizontal area included within lot lines, but excluding any portion of such area which has been dedicated for public right-of-way purposes.

"Lot depth" means the average horizontal distance between the front and rear lot lines.

"Lot flag" See "Flag Lot" definition. (Ord. 278, 2011)

"Lot, key" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot.

"Lot line, front" means, in the case of an interior lot, the line separating the lot from the street right-of-way. In the case of a corner lot, the shorter street frontage shall be the front lot line.

"Lot line, rear" means the lot line opposite and most distant from the front lot line.

"Lot line, side" means any lot boundary which is not a front or rear lot line.

"Lot line, side street" means a side lot line separating a lot from the street.

"Lot lines" means the property lines bounding the lot.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard setback line.

"Lumber and Wood Product Manufacturing" means manufacturing, processing, and sales uses involving the milling of new or used forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products: containers, pallets and skids, milling operations, trusses and structural beams, turning and shaping of wood products, wholesaling of basic wood products, and wood product assembly. Craft-type shops are included in "Handcraft Industries and Small Scale Manufacturing." Other wood and cabinet shops are included under "Furniture and Fixture Manufacturing." The indoor retail sale of building materials, construction tools and equipment is included under cabinet shops under "Building Materials Stores and Yards."

"Machinery Manufacturing" means the manufacturing of machinery and equipment used: for the manufacturing of other products; as parts in the assembly of other products; and for end-use purposes, including the following: construction equipment, conveyors, cranes, die casting, dies, dredging, engines and turbines, farming and gardening, food products manufacturing, gear cutting, heating, ventilation, air conditioning, industrial trucks and tractors, industrial furnaces and ovens, industrial molds, laundry and dry cleaning, materials handling, mining, oil field equipment, paper manufacturing, passenger and freight elevators, pistons, printing, pumps, refrigeration equipment, textile manufacturing.

"Maintenance and Repair, Large Equipment" means establishments providing on-site repair and accessory sales of supplies for industrial and/or agricultural machines conducted entirely within an enclosed building. This classification includes maintenance, repair, and overhauling of light and heavy vehicles and equipment such as fire engines and pump systems, fire trucks including large trailer aerial ladder trucks, gang mowers, aerial work platforms, and construction equipment such as loaders, graders, dump trucks, back hoes, asphalt trucks, trailers, rollers, street sweepers, air compressors, and off road equipment.

"Maintenance and Repair, Small Equipment" means establishments providing on-site repair and accessory sales of supplies for appliances, office machines, home

electronic/mechanical equipment, bicycles, tools, or garden equipment, conducted entirely within an enclosed building. This classification does not include maintenance and repair of vehicles.

Manufactured Home. The terms "manufactured home" and "mobile home" can be used interchangeably. "Manufactured home" means a structure transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the California Health and Safety Code, as amended. "Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974, as amended (42 USC Section 5401 et seq.).

"Medical Services – Clinics, Offices, and Laboratories" means a facility primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including: medical and dental laboratories, medical, dental and psychiatric offices, out-patient care facilities, and other allied health services. Counseling services by other than medical doctors or psychiatrists are included under "Offices."

"Medical Services – Extended Care" means a residential facility providing nursing and health related care as a primary use with in-patient beds, such as: board and care homes; convalescent and rest homes; extended care facilities; skilled nursing facilities; and rehabilitation facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Homes."

"Medical Services – Hospitals" means hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses"). Does not include "Ambulance Services", which are defined separately.

"Metal Products Fabrication, Machine/Welding Shops" means establishments engaged primarily in the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products, blacksmith and welding shops, sheet metal shops, machine shops and boiler shops.

"Metal Products Manufacturing" means manufacturing establishments engaged in the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous and nonferrous metals; in the manufacture of castings, forgings, stampings, extrusions and other basic products of ferrous and nonferrous metals; and in the manufacture of nails, spikes, and insulated wire and cable.

“Miniature Golf Courses (Indoor & Outdoor)” means a facility that provides on-site commercial entertainment in the form of a novelty version of golf played with a putter and golf ball on a miniature course and featuring obstacles such as alleys, bridges, and tunnels.

~~“Mobile home” means a structure that meets the requirements of the National Manufactured Housing Construction and Safety Act of 1974, as amended. “Mobile home” does not include a commercial coach, factory-built housing, or a recreational vehicle, as each term is defined in the California Mobile Homes Manufactured Housing Act of 1980, as amended.~~

“Mobile/Manufactured Home Park” means any site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented, leased, or held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate mobile homes used for residential purposes in compliance with California Code of Regulations, Title 25, Division 1, Chapter 2 (Mobile Home Parks and Installations).

~~“Motel” means a building or group of buildings comprising individual sleeping quarters or dwelling units for the accommodation of transient guests which is so designed that parking is on the same building site and is conveniently accessible from the living units. This definition includes auto courts, tourist courts and motor hotels but does not include hotels.~~

“Museum” means a public or quasi-public institution of a non-commercial nature that procures, cares for, studies, and displays objects of lasting interest or value. Examples of museums include art and historical museums, aquariums, planetariums, botanical gardens, arboretums, and historical sites and exhibits.

“Neighborhood Market” means a pedestrian-oriented grocery/specialty market store offering food products packaged for preparation and consumption away from the site of the store and oriented to the daily shopping needs of surrounding residential areas. Neighborhood markets are less than 15,000 square feet in size and operate less than 18 hours per day. For larger stores, see “Grocery Store/Supermarket”. Neighborhood markets may include deli or beverage tasting facilities that are ancillary to the market/grocery portion of the use.

~~“Nonconforming building” means a building, structure or portion thereof which was lawfully constructed, but which does not conform to all the height and area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.~~

~~“Nonconforming use” means a use which was lawfully established, but which does not conform with the use regulations of the zone in which it is located.~~

“Offices, Accessory” means offices that are incidental and accessory to a primary business, allowed as part of an approved primary use.

“Offices, Business and Professional” means offices of finance businesses providing direct services to consumers (companies, utility companies, etc.), government agency



and service facilities (post office, civic center, etc), professional offices (accounting, legal, employment, public relations, insurance, real estate, etc.), and offices engaged in the production of intellectual property (advertising, architectural, computer programming, photography studios, etc.). These do not include: medical offices (see "Medical Services – Clinics, Offices, and Laboratories"); temporary offices (see "Offices, Temporary"), or offices that are incidental and accessory to another business that is the primary use (see "Offices, Accessory").

~~"Office, professional" means an office from which or at which a doctor, lawyer, engineer, architect, accountant, and similar professional persons may offer services.~~

"Office, Temporary" means a mobile home, recreational vehicle or modular unit used as a temporary office facility. Temporary Offices may include: construction supervision offices on a construction site or off-site construction yard; a temporary on-site real estate office for a development project; or a temporary business office in advance of permanent facility construction.

"Open Space" means undeveloped land with primarily passive recreational uses or landscaped pedestrian and bicycle through-ways (examples: community gardens, agricultural easements, greenbelts, bike and pedestrian paths, playground equipment) or land left undeveloped for aesthetic, environmental, health, welfare, or safety reasons (examples: greenbelts, floodways, steep unstable slopes, and utility easements). Green Roofs can be considered Open Space as determined by the Planning Director or final decision making body. Open space cannot be considered park space and does not satisfy the requirement for park space as defined and required in this Code.

"Outdoor Commercial Recreation" means a facility for various outdoor participant sports and types of recreation where a fee is charged for use, including: amphitheaters, amusement and theme parks, golf driving ranges, health and athletic club outdoor facilities, miniature golf courses, skateboard parks, stadiums and coliseums, swimming pools and water parks, tennis clubs, tennis courts, and zoos.

"Paper Product Manufacturing" means the manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes, wallpaper, etc.

"Park and Ride Facility" means a designated area where a vehicle may be left in order to carpool with other commuters or to ride public transit.

"Parking Facility/Vehicle Storage" means service establishments in the business of storing operative cars, trucks, buses, recreational vehicles, and other motor vehicles for clients. Includes both day use and long-term public and commercial garages, parking lots and structures, except when accessory to a primary use. (All primary uses are considered to include any customer or public use off-street parking required by this Zoning Code.) Includes sites where vehicles are stored for rental or leasing. Does not include dismantling yards (classified in "Recycling Facility - Scrap and Dismantling Facility").

"Parks and Playgrounds" means parks, play lots, playgrounds, amphitheaters, and athletic fields for noncommercial neighborhood or community active recreational use, including tot lots within apartment complexes.

"Park trailer" means a trailer designed for human habitation for recreational or seasonal use only, that meets all of the following requirements:

(a) It contains 400 square feet or less of gross floor area, excluding loft area space if that loft area space meets the requirements of subdivision (b) of Section 18009.3 and Section 18033 of the California Health and Safety Code, as amended. It may not exceed 14 feet in width at the maximum horizontal projection;

(b) It is built upon a single chassis;

(c) It may only be transported upon the public highways with a permit issued pursuant to Section 35780 of the California Vehicle Code.

"Parking space" means an off-street area for the parking of a motor vehicle, of not less than eight feet in width and 18 feet in length with at least seven feet of vertical clearance, either within a structure or in the open, excluding driveways, or access drives, but which abuts upon a street, alley or has other appropriate means of access thereto.

"Passive solar addition" means any designed structurally integrated addition to an existing building, the principal purpose of which is to increase passive heating or cooling efficiency of the building. For the purposes of this title, the term "passive solar addition" shall include a solarium or greenhouse when structurally attached to a main building.

"Passive solar system" means any design, including space or structural components, and orientation, which enhances the natural heating or cooling of a building, without the use of external nonrenewable power supplies. A passive (or direct) solar system may be contrasted with an active (or indirect) solar system in which the solar heat is collected on the outside of the building and transferred inside the structure through ducts or pipes using a fan or pump.

"Paving/Roofing Material Manufacturing" means the manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood and various compositions of asphalt and tar. The manufacture of wood roofing materials (shingles, shakes, etc.) is included under "Lumber and Wood Product Manufacturing."

"Pending Applications" means any formal application submitted to the City for a land use or development permit or action that has not expired and has not been approved, denied, rejected, or rescinded.

"Person" shall include any person, firm, company, corporation, partnership, association, organization or entity.

"Personal Services" means a use that provides a personal service that is non-medical and may include accessory retail sales of products related to the services that are provided. Examples of personal services include, but are not limited to the following: barber and beauty shops, clothing and costume rental, dry cleaning pick-up stores, home electronics and small appliance repair, laundromats (self-service laundries), shoe repair shops, massage, nail salons, and tailors.

"Planning Commission" shall mean the Planning Commission of the City of Rio Dell.

"Plastics, Synthetics, Rubber Products Manufacturing" means the manufacture of rubber products including: tires, rubber footwear including heels and soles, mechanical rubber goods, flooring, and other rubber products from natural, synthetic or reclaimed rubber, molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, and fiberglass manufacturing and fiberglass application services. Establishments engaged primarily in recapping and retreading automobile tires are classified in "Vehicle Services - Major Repair/Body Work."

"Printing and Publishing" means establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. Does not include "quick printing" services or desktop publishing which are included in Business Support Services.

"Public grounds" shall mean any public place, public area, public street, sidewalk, park, public facility or public area or any property owned by or under control of any local public agency, County, State agency or Federal agency located in the corporate limits of the City of Rio Dell, including but not limited to the river bank and river bar adjacent to and under the Eel River owned or under the control of the City of Rio Dell.

"Recreation, commercial" means recreation facilities open to the general public for a fee or restricted to members when operated for profit as a business.

"Recreation, private" means noncommercial clubs or recreation facilities operated by a nonprofit organization and open only to bona fide members of such nonprofit organization and their guests.

"Recreational vehicle" means both of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

(i) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;

(ii) It contains 400 square feet or less of gross area measured at maximum horizontal projections;

(iii) It is built on a single chassis;

(iv) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer, as defined in California Health and Safety Code Section 18009.3, as amended.

“Recreational Vehicle Parks” means a site where one or more lots are used, or are intended to be used, by campers with recreational vehicles or tents on transient basis (30 days or less). Recreational vehicle parks may include public restrooms, water, sewer, and electric hookups to each lot and are intended as a higher density, more intensively developed use than campgrounds. May include accessory retail uses where they are clearly incidental and intended to serve RV park patrons only.

Recycling Facility, Large Collection Facility. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that occupies more than 500 square feet and includes permanent structures, does not use power-driven processing equipment except for compacting, baling, plastic shredding, and other activities necessary for efficient temporary storage and material shipment.

Recycling Facility, Processing Facility. A recycling facility located in a building or enclosed space and used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user’s specifications by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

Recycling Facility, Reverse Vending Machine. An automated mechanical device that accepts one or more types of empty beverage containers including, but not limited to, aluminum cans, glass bottles and plastic bottles, and issues a cash refund or a redeemable credit clip with value of not less than the container’s redemption value as determined by the State.

Recycling Facility, Scrap and Dismantling Facility. Uses engaged in the assembling, breaking up, sorting, temporary storage, and distribution of recyclable or reusable scrap and waste materials, including the dismantling or wrecking of automobiles or other motor vehicles, or the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking. The presence on any lot or parcel of land of five or more inoperable vehicles from which parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard. This use does not include landfills or other terminal waste disposal sites.

Recycling Facility, Small Collection Facility. A recycling facility used for the acceptance by donation, redemption, or purchase of recyclable materials from the public that does not occupy more than 500 square feet. This classification may include a mobile unit, kiosk-type units that may include permanent structures and unattended containers placed for the donation of recyclable materials.

Religious Institutions. Facility operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc.; and accessory uses on the same site, such as living quarters for clergy and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, youth camps, emergency/homeless shelters, and other potentially related operations are classified according to their respective activities.



“Renewable Energy Development (i.e. commercial development, generation and sales of solar, wind energy.)” means a system or network generating energy that is derived from resources that are regenerative or for all practical purposes cannot be depleted.

“Research and Development” means indoor facilities for scientific research, and the design, development and testing of electrical, electronic, magnetic, optical and mechanical components in advance of product manufacturing, that are not associated with a manufacturing facility on the same site. Includes chemical and biotechnology research and development. Does not include computer software companies (see “Offices – Business and Professional”), soils and other materials testing laboratories (see “Business Support Services”), or medical laboratories (see “Medical Services – Clinics, Offices, and Laboratories”).

“Residential Care Facility” means consistent with the definitions of State law, a residential care facility is a facility that provides 24-hour non-medical care for more than six persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, residential care facilities for the elderly, adult residential facilities, juvenile court residential facilities, and other facilities licensed by the State of California.

“Residential Care Home, Small” means consistent with the definitions of State law, a residential care home is a home that provides 24-hour non-medical care for six or fewer persons 18 years of age or older, or emancipated minors, with chronic, life-threatening illness in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living, or for the protection of the individual. This classification includes group homes, rest homes, residential care facilities for the elderly, adult residential , juvenile court residential facilities, and other facilities licensed by the State of California. Convalescent homes, nursing homes and similar facilities providing medical care are included under the definition of “Medical Services -

“Residential density, net” means the average number of dwelling units per one acre of land.

“Resource Protection and Restoration” means activities and management of an area to preserve, re-create and enhance natural resource values such as fish and wildlife habitat, rare and endangered plants, vernal pools, erosion control, and floodwater conveyance.

“Resource-Related Recreation” means a facility related to passive recreation in open space areas including bicycle and pedestrian trails, picnic areas, parking areas, and interpretive centers.

“Restaurants” means a retail business selling food and beverages prepared on the site, for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption, and establishments where most customers are served food at tables for on-premise consumption, but may include providing food for take-out. Also includes coffee houses.

“Restaurants, Accessory” means a restaurant that is accessory to a non-residential use.

“Restaurants, Fast Food/Drive-In” means a restaurant that provides both sit down and take out service and has at least 2 of the following characteristics:

(a) Food to be consumed on the premises is served with non-reusable tableware,

(b) Food is not delivered to the table,

(c) Orders are placed at a counter,

(d) Orders are placed at a drive through and/or walk up window.

“Restaurants, Sit Down, Take Out Inclusive” means a business serving prepared food or beverages for consumption on or off the premises. Service is predominantly sit down, however the occasional take out customer may be accommodated.

“Restaurants, Take-Out” means a restaurant where food is prepared on-site for off-site consumption, other than those deemed to be fast food restaurants.

“Restaurants, With Alcohol Sales” means a restaurant with a valid Alcohol Beverage license that sells alcoholic drinks along with preparing and serving food. Also includes restaurants with breweries, subordinate to the restaurant use, that operate for the production of on-site consumption.

“Restaurants, With Live Entertainment” means a restaurant that includes live entertainment.

“Restaurants, With Outdoor Dining” means a restaurant where tables and seating are provided and food and/or beverages are served in outdoor areas and have at least one side open.

“Retail, Accessory” means the retail sales of various products (including food service) in a store or similar facility that is located within a health care facility, hotel, office, institutional or industrial complex. These uses include pharmacies, gift shops, and food service establishments within hospitals; convenience stores and food service establishments within hotel, office and industrial complexes.

“Retail, General” means stores and shops selling multiple lines of merchandise including: art galleries, artists’ supplies, bakeries (all production in support of on-site, sales), bicycles, books, cameras and photographic supplies, clothing and accessories, collectibles (cards, coins, comics, stamps, etc.), department stores, drug and discount stores, dry goods, fabrics and sewing supplies, florists and houseplant stores (indoor sales, only; outdoor sales are “Plant Nurseries”), furniture, home furnishings and equipment, general stores, gift and souvenir shops, hardware, hobby materials, jewelry, luggage and leather goods, musical instruments, parts and accessories, newsstands, orthopedic supplies, pet supplies, religious goods, specialty shops, sporting goods and equipment, stationery, toys and games, and variety stores.

~~“Second dwelling unit,” as used in RDMC 17.30.230, shall mean an additional living unit on any one lot or parcel within a single-family residential district which is clearly ancillary and subordinate to a principal dwelling unit on the same lot or parcel.~~

"Setback line" means a line established by this title or by separate ordinance to govern the placement of buildings or structures with respect to lot lines, streets, or alleys.

"Sign" means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved, or otherwise fastened, affixed, constructed or made visible, including billboards and signboards for out-of-door advertising purposes.

"Sign, Abandoned" means any sign that is on the premises upon which it is located and has been vacated for a period of more than 90 days.

"Sign, Animated" means any sign which uses mechanical or electrical movement or change of lighting, either natural or artificial, to depict action or to create a special effect or scene.

"Sign, Area" means the measurable surface area of a sign.

"Sign, Billboard" means an outdoor advertising sign on which space is leased or rented.

"Sign, Blade/Bracket/Fin" means a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket or fin sign) or is hung beneath a canopy (blade sign; may also be referred to as an "Under Canopy Sign").

"Sign, Building" means a sign placed on a wall, awning, canopy, parapet, or a projecting sign.

"Sign, Canopy" means any sign that is part of or attached to an awning, canopy, or other material, or structural protective cover over a door, entrance, window, or outdoor service area.

"Sign, Changeable Copy" means a sign or portion of a sign with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than once per day shall be considered an animated sign and not a changeable copy sign for purposes of this section.

"Sign, Commercial Message" means any sign wording, logo, or other representation that names or advertises a business, product, service, or other commercial activity.

"Sign, Construction" means an on-site temporary sign identifying the names of individuals and/or firms connected with the construction of a project. Such signs may include the name of the project, lender, owner, developer, architect, contractor, address of business, and emergency contact information. Such signs may not be erected for longer than six months, unless construction is actively occurring on the site.

"Sign, Directory" means a pedestrian-oriented sign that identifies or lists the names and locations of tenants at a multi-tenant site.

"Sign, Election Campaign" means temporary campaign signs relating to federal, state, county, city, school district, special district, or other governmental agency elections are permitted in all zones subject to the regulations in this title:

“Sign, Flashing” means an illuminated sign that exhibits changing light or color effect by blinking or any other such means so as to provide a non-constant illumination.

“Sign, Freestanding” means a permanent sign that is self-supporting in a fixed location and not attached to a building. It includes a sign connected or attached to a sign structure, fence, or wall that is not an integral part of a building.

“Signs, Future Tenant” means signs erected for the purpose of advertising the future occupancy of a new tenant. Such signs may include the name of the tenants, the expected occupancy date, and the corporate logos or identification for the future occupant.

“Sign, Garage, Yard, Estate, and Other Home-based sales” means the occasional non-business public sale of secondhand household and other goods incidental to household uses.

“Signs, Gas Pricing” means signs identifying the brand, types, octane rating, etc., of gasoline for sale, as required by State Law.

“Sign, Governmental/Civic” means any temporary or permanent sign erected and maintained by or required by the City, County, State, or Federal government for traffic direction, City entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

“Sign, Illuminated” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes.

“Sign, Incidental” means a sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, including but not limited to a rest room and phone sign, credit card sign, or a sign indicating hours of business.

“Sign, Menu/Order Board” means a sign installed in a drive-through facility and intended for drive-through customers that advertises the products available at the facility. (See Section 17.62.060 for standards).

“Sign, Monument” means a freestanding sign constructed upon a solid-appearing base or pedestal.

“Sign, Name Plate” means a sign attached to a wall that identifies the occupant.

“Sign, Non-Commercial” means any sign that does not bear a commercial message.

“Sign, Non-Conforming” means a sign lawfully erected and legally existing at the time of the effective date of an ordinance, but which does not conform to the new provisions of this code.

“Sign, Off-site Commercial” means a sign that advertises a business conducted, a service rendered, or goods produced or sold at a location other than the site of the sign.



“Sign, On-Site Directional” means a sign located on the same property as the business, primarily providing direction to guide vehicles and pedestrians to businesses, including by not limited to those signs identifying parking area and circulation patterns.

“Sign, Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

“Sign, Pole” means a freestanding sign supported by one or more metal or wood posts, pipes, or other vertical supports.

“Sign – Portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels; signs configured as A-frame or T-frame; menu and sandwich board signs; and umbrellas used for advertising.

“Sign, Readerboard” means a sign on which copy is changed manually in the field or electronically, including but not limited to theatre marquee signs, business directories, church and museum signs, and gas price signs.

“Sign, Real Estate” means any sign, temporary in nature, erected for the express purpose of advertising the rent, sale, or lease of the real estate property upon which it is erected.

“Sign, Roof” means a sign installed on a roof or projecting above the eave of a building or mounted on an arcade or parapet.

“Sign, Temporary” means a sign not constructed or intended for long-term use. Temporary Signs are typically signs lasting less than 30 days.

“Sign, Time/Temperature” means an electronic or mechanical device that shows time and/or temperature but contains no business identification or advertising.

Sign, Under Canopy. See Blade/Bracket/Fin Sign.

“Sign, Vehicle” means a sign that is attached to and is an integral part of a motorized vehicle or bicycle used directly for the purpose of a particular business and not used primarily as a sign base.

“Sign, Wall” means a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in such a way as to be substantially parallel to such exterior building wall to which it is attached or supported by.

“Sign, Window” means a sign attached to, suspended behind, placed, or painted upon the window or glass door of a building and is intended for viewing from the exterior of such building.

“Slaughterhouse” means any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

"Slide-in camper" means a portable unit, consisting of a roof, floor, and sides, designed to be loaded onto, and unloaded from, a truck and designed for human habitation for recreational or emergency occupancy. "Slide-in camper" means a truck camper.

"Solar energy system" means any (a) solar collector or other solar energy device or (b) structured design of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, or for water heating.

**"Spa" Means a business establishment which people visit for personal care treatments such as massages and facials, only for the duration of the treatment (a day spa). In contrast, a destination spa offers the same services in a hotel setting where people reside for one or more days.**

"Special purpose commercial modular" means a vehicle with or without motive power, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is not required to be moved under permit, and shall include a trailer coach. "Special purpose commercial coach" has the same meaning as "special purpose commercial modular" as that term is defined in the California Health and Safety Code.

"Specified anatomical areas" means less than completely and opaquely covered mature human female breast below a point immediately above the top of the areola, or above a point immediately below the bottom of the areola; mature human buttock; mature human genitals; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means fondling or other erotic touching of human pubic region, buttock, female breast, or genitals; or acts of human sexual intercourse, masturbation or sodomy; or human genitals in a state of sexual stimulation or arousal.

"Storage, public, enclosed" means a building or group of buildings containing one or more rooms in which goods are stored or kept, normally unrelated or incidental to a business or commercial enterprise, and where access to the individual storage room or space is available to the tenant or lessee. Also known as mini-storage warehouses.

"Storage, warehouse, private" means a building or group of buildings containing one or more rooms in which merchandise or commodities are stored or kept, principally for retail sale, and where access to the content of the storage room or space is restricted to the owner of the facilities or his employees.

"Story" means that portion of a building included between the surface of any floor and the surface next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

"Street" means a public right-of-way, or private right-of-way approved by the Planning Commission, which provides a primary means of access to abutting property.

"Street line" means the boundary between a street right-of-way and abutting property.

"Structural alterations" means any change in the structural members of a building, such as bearing walls, columns, beams, or girders.

"Structure" means anything constructed, the use of which requires permanent location on the ground. This includes swimming pools, but excludes driveways, patios, or parking spaces where the area is unobstructed from the ground up.

"Telecommunication Facility" means a facility designed and/or used for the purpose of transmitting, receiving, or relaying voice and/or data signals from various wireless communication devices, including transmission tower, antenna, and or other facility designed or used for that purpose. Amateur radio transmission facilities, facilities operated exclusively as part of a public safety network, and facilities used exclusively for the transmission of television and/or radio broadcasts are not "telecommunication facilities".

"Textile and Leather Product Manufacturing" means manufacturing establishments engaged in performing any of the following operations: coating, waterproofing, or otherwise treating fabric, dyeing and finishing fiber, yarn, fabric, and knit apparel, manufacture of knit apparel and other finished products from yarn, manufacture of felt goods, lace goods, non-woven fabrics and miscellaneous textiles, manufacturing of woven fabric, carpets and rugs from yarn, preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage, and upholstery manufacturing.

"Theaters and Auditoriums" means indoor facilities for public assembly and group entertainment, other than sporting events, including: civic theaters, and facilities for "live" theater and concerts, exhibition and convention halls, motion picture theaters, public and semi-public auditoriums, similar public assembly uses. Does not include outdoor theaters, concert and similar entertainment facilities, and indoor and outdoor facilities for sporting events; see "Outdoor Commercial Recreation."

"Transitional Housing" means housing containing sleeping, kitchen, and bathroom facilities with supportive services for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible, and limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development's requirements for subsidized housing for low-income persons.

"Use" means the purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

"Use, accessory" means a use legally permitted in the zone, which use is incidental to and subordinate to the principal use of the site or of a main building on the site.

"Use, conditional" means a principal or accessory use of land or of structures thereon which use may be permitted only upon the issuance of a use permit, as provided herein.

"Use, principal permitted" means the primary use of land or of a main building which use is compatible with the purpose of the zone and which is permitted in the zone.

"Utility Facility" means fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages. These uses include any of the following facilities that are

not exempted from land use permit requirements by Government Code Section 53091: electrical substations and switching stations, natural gas regulating and distribution facilities, public water system wells, treatment plants and storage, telephone switching facilities, wastewater treatment plants, settling ponds and disposal fields. These uses do not include office or customer service centers (classified in "Offices"), or equipment and material storage yards.

"Utility Infrastructure" means pipelines for water, natural gas, and sewage collection and disposal; and facilities for the transmission of electrical energy for sale, including transmission lines for a public utility company. Also includes telephone, telegraph, cable television and other communications transmission facilities utilizing direct physical conduits. Does not include offices or service centers (see "Offices"), or distribution substations (see "Utility Facility").

"Veterinary Facility" means veterinary facility that is primarily enclosed, containing only enough cage arrangements as necessary to provide services for domestic and exotic animals requiring acute medical or surgical care with accessory outdoor use that provides long term medical care. Grooming and boarding of animals is allowed only if accessory to the facility primary use.

"Warehousing" means a facility for the storage of commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public (see "Storage, Personal Storage Facility") or warehouse facilities in which the primary purpose of storage is for wholesaling and distribution (see "Wholesaling and Distribution").

"Warehouse/Retail" means retail stores that emphasize the packaging and sale of products in large quantities or volumes, some at discounted prices. Sites and buildings are usually large and industrial in character. Patrons may be required to pay membership fees.

"Wholesaling and Distribution" means establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants, assemblers, buyers and associations engaged in the cooperative marketing of farm products, merchant wholesalers, and stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

"Yard" means an open space other than a court on the same site with a building, which open space is unoccupied and unobstructed from the ground upward, except for landscaping or as specified elsewhere in this title; but not including any portion of any street, alley or road right-of-way, except as specified elsewhere in this title.

"Yard, front" means a yard of uniform depth extending across the full width of the lot between the front lot line and the nearest vertical support or wall of the main building, or enclosed or covered porch attached thereto. The front yard of a corner lot is the yard adjacent to shorter street frontage.

"Yard, rear" means a yard of uniform depth extending across the full width of the lot between the rear lot line and the nearest vertical support or wall of the main building or enclosed or covered porch attached thereto, except that the rear yard of a corner lot extends only to the side yard adjacent to the street.

"Yard, side" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest vertical support or main wall of each building or enclosed or covered porch attached thereto. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

"Zone" means a portion of the territory of the City of Rio Dell within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title. The word "zone" shall include the word "district." [Ord. 252 § 2.01, 2004.]

## **Section 2. Severability**

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

## **Section 3. Limitation of Actions**

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

## **Section 4. Effective Date**

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on November 3, 2015 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 17, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Frank Wilson, Mayor



ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 340-2015 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the November 17, 2015.

---

Karen Dunham, City Clerk, City of Rio Dell

*Rio Dell City Hall  
675 Wildwood Avenue  
Rio Dell, CA 95562  
(707) 764-3532  
riodelcity.com*



November 17, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Second Reading and Adoption of Ordinance No. 341-2015 Amending City Code Section 5.30.520(2)(a) and Related Authorization for the City Manager to Sign Settlement Agreement and Release with Suddenlink Regarding PEG Access Funding

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

That the City Council:

- 1.) Receive staff's report on Ordinance No. 341-2015 amending city code section 5.30.520(2)(a) related to the PEG fee paid by cable operator to support public access television;
- 2.) Open the public hearing, receive public input, close the public hearing and discuss;
- 3.) Adopt Ordinance No. 341-2015 amending City Code Section 5.30.520(2)(a) further authorizing the City Manager to sign settlement agreement and release with Suddenlink regarding PEG Access funding.
- 4.) Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary of the Ordinance with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

**BACKGROUND AND DISCUSSION**

Since April of 2014, Suddenlink has been operating under State Cable franchises in accordance with the Digital Infrastructure and Video Competition Act of 2006 (DIVCA). The local DIVCA ordinances for Humboldt County and the Cities Arcata, Blue Lake, Eureka, Ferndale, Fortuna, and Rio Dell required payment of PEG access fees that equal 3% of the gross cable revenues. The Rio Dell City Council authorized this ordinance and fee level in 2010. However, Suddenlink has been paying only 1% since May 2014 and therefore is not in compliance with local DIVCA ordinances.

The source of the disagreement between Suddenlink and the Cities/County with regard to the computation of the proper amount of PEG fees is a section of DIVCA that provides imprecise guidance with regard to how to handle certain upfront PEG payments that occurred in 2006 (see below for further explanation).

DIVCA calls for a formula to calculate PEG fees on a going forward basis (up to a maximum of 3% and a minimum of 1% of gross revenues), based upon the amount of PEG fees paid in 2006 and the percentage of total gross cable revenues in 2006 reflected by the PEG fees paid that year. Because there were upfront lump sum PEG payments in 2006 (the first year of the local franchise), they increased the PEG contribution used to calculate the PEG fee percentage, which was determined to exceed 3%. The legislation provided no guidance as to how to account for upfront lump sum payments.

While we believe that the 3% calculation is technically correct, we recognized the need to reach an agreement with Suddenlink regarding this matter. We also made it clear to Suddenlink that the Cities and County could not agree to modify the Code and reach a Settlement Agreement unless Suddenlink agreed to compensate the Cities/County for the underpayment of PEG fees from the date that the state video franchises took effect until the effective date of any Settlement Agreement, and to provide certain other assurances with regard to in-kind PEG support.

Access Humboldt contracted with a consultant (Sue Buske of The Buske Group) to conduct negotiations with Suddenlink on behalf of the Cities and County. The attached resolution and settlement and release is the result of those negotiations. The negotiations proceeded over the past 8 months and have resulted in the attached Resolution and Settlement Agreement and Release.

The Settlement Agreement and Release calls for the following:

1. Cities/County will modify the section of their respective City/County codes dealing with PEG fees provided by holders of State Video Franchises from 3% to 1.401%.
2. Suddenlink agrees to pay 1.401% of gross revenues on a going forward basis to Access Humboldt (the PEG provider designated by the Cities/County).
3. Cities/County agree to use PEG Fees for PEG purposes in a manner consistent with applicable law.
4. Suddenlink agrees to pay a \$64,000 settlement to Access Humboldt as a settlement for underpaid PEG fees since May 2014.
5. Suddenlink agrees that it will:
  - a. not challenge the Cities/County right to collect the 1.401% PEG Fee;
  - b. not reduce the amount of PEG Fees paid to the Cities/County to an amount below 1.401%;
  - c. not deduct from PEG Fees or Franchise Fees paid to the Cities/County the value of Suddenlink's other non-cash PEG services and facilities provided pursuant to its State Video Franchise, and its obligations under the applicable sections of the Cities/County Codes dealing with state video franchise holders; and
  - d. not modify or reduce the other non-cash PEG services and facilities being provided by Suddenlink to the Cities/County as of the Effective Date of this Agreement.

City/County staff have been regularly updated by Access Humboldt and Ms. Buske regarding the progress and settlement options. Staff has reviewed the documents and concurs with Access Humboldt's recommendation.

The recommended action should result in Suddenlink paying PEG fees in an amount of 1.401%, which is greater than the amount they have been paying over the past 15 months. The Agreement also assures that in-kind PEG support provided by Suddenlink will continue to be provided and not be subtracted from franchise fees or PEG fees.

///

**Ordinance No. 341-2015**

**AN ORDINANCE TO AMEND CITY CODE SECTION 5.30.520(2)(a)  
(CABLE SYSTEMS AND OPEN VIDEO SYSTEMS)  
AND APPROVE A SETTLEMENT AGREEMENT AND RELEASE WITH  
SUDDENLINK REGARDING PEG ACCESS FUNDING**

**WHEREAS**, in 2010 the City of Rio Dell, Humboldt County, and the Cities of Arcata, Eureka, Blue Lake, Fortuna, and Ferndale ("Cities/County") each enacted an ordinance updating its respective government code ("Cities/County Codes") to include provisions addressing the obligations of the holders of state video franchises issued by the California Public Utilities Commission ("CPUC") pursuant to the Digital Infrastructure and Video Competition Act ("DIVCA"); and

**WHEREAS**, commencing on various dates in 2014, Suddenlink began operating its cable system (or portions thereof) located within the Cities/County under the terms and conditions of a state video franchise ("Suddenlink State Video Franchise") granted by the CPUC, and the Cities/County Codes, as these documents may have been and/or may in the future be lawfully amended from time to time in accordance with applicable law; and

**WHEREAS**, prior to converting to the Suddenlink State Video Franchise, Suddenlink operated its cable system located within the Cities/County under the terms and conditions of local cable franchises granted by the Cities/County; and

**WHEREAS**, pursuant to the Suddenlink State Video Franchise and applicable sections of the Cities/County Codes governing state video franchises, Suddenlink must among other things provide public, educational, government access funding ("PEG Fee"), in an amount calculated under DIVCA based in part upon the level of PEG funding that was paid under its local cable franchises; and

**WHEREAS**, various disputes have arisen between Suddenlink and the Cities/County involving certain obligations Suddenlink is required to perform under the Cities/County Codes and Suddenlink's State Video Franchise, including the calculation and payment of the PEG Fee; and

**WHEREAS**, the Cities/County and Suddenlink have reach a comprehensive settlement with respect to the disputes, which have been identified by the Cities/County and Suddenlink;

**NOW, THEREFORE, BASED ON THESE PREMISES, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF RIO DELL THAT:**

Section 1. City Code Section 5.30.520(2)(a) shall be modified so as to change level of PEG support from 3% of gross revenues to 1.401% of gross revenues.



Section 2. The City Manager is authorized to sign the Settlement Agreement and Release.

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on November 17, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Ordinance No. 341 -2015 adopted by the City Council of the City of Rio Dell on November 17, 2015.

---

Karen Dunham, City Clerk

## **SETTLEMENT AGREEMENT AND RELEASE**

This Settlement Agreement and Release ("Agreement") is made by and between the **Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, and Rio Dell, and the County of Humboldt, California** (collectively "Cities/County") on the one hand and **Cebridge Acquisition, L.P. d/b/a Suddenlink Communications** on behalf of itself and its affiliates and their respective predecessors, successors and assigns (collectively "Suddenlink") on the other hand, (individually a "Party" and jointly, "the Parties"), and is effective on the latest date that this Agreement is approved by the governing body of any of the aforementioned Cities/County ("Effective Date").

WHEREAS, in 2010 each of the Cities/County enacted an ordinance updating its respective government code ("Cities/County Codes") to include provisions addressing the obligations of the holders of state video franchises issued by the California Public Utilities Commission ("CPUC") pursuant to the Digital Infrastructure and Video Competition Act ("DIVCA"); and

WHEREAS, commencing on various dates in 2014 Suddenlink began operating its cable system (or portions thereof) located within the Cities/County under the terms and conditions of a state video franchise ("Suddenlink State Video Franchise") granted by the CPUC, and the Cities/County Codes, as these documents may have been and/or may in the future be lawfully amended from time to time in accordance with applicable law; and

WHEREAS, prior to converting to the Suddenlink State Video Franchise, Suddenlink operated its cable system located within the Cities/County under the terms and conditions of local cable franchises granted by the Cities/County; and

WHEREAS, pursuant to the Suddenlink State Video Franchise and applicable sections of the Cities/County Codes governing state video franchises, Suddenlink must among other things provide public, educational, government access funding ("PEG Fee"), in an amount calculated under DIVCA based in part upon the level of PEG funding that was paid under its local cable franchises; and

WHEREAS, various disputes have arisen between Suddenlink and the Cities/County involving certain obligations Suddenlink is required to perform under the Cities/County Codes and Suddenlink's State Video Franchise including the calculation and payment of the PEG Fee; and

WHEREAS, the Cities/County and Suddenlink now desire to reach a comprehensive settlement with respect to the disputes, which have been identified by the Cities/County and Suddenlink;

NOW, THEREFORE, in consideration of the recitals, covenants and other terms set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. In consideration of the terms of this Agreement and conditioned on the acceptance and execution of this Agreement by Suddenlink, each of the Cities/County will promptly modify its respective Cities/County Code to change the PEG fee to be provided by holders of State Video Franchises from 3% of gross revenues to 1.401% of gross revenues.
2. Notwithstanding the effective date(s) of the foregoing ordinance amendments, commencing as of July 1, 2015 and continuing until the termination (without renewal) of the Suddenlink State Video Franchise, Suddenlink shall pay a PEG Fee of 1.401% of gross revenues to the PEG provider designated by the Cities/County.
3. The Cities/County agree to use the PEG Fees for PEG purposes in a manner consistent with applicable law.
4. No later than 30 days after the Effective Date of this Settlement Agreement, Suddenlink shall pay \$64,000 to the PEG provider designated by the Cities/County, as a settlement for underpaid PEG fees owed for the period from the date of conversion to the Suddenlink State Video Franchise to June 30, 2015.
5. Suddenlink agrees that it will:
  - a. not challenge the Cities/County right to collect the 1.401% PEG Fee;
  - b. not reduce the amount of PEG Fees paid to the Cities/County in cash to an amount below 1.401%;
  - c. not deduct from PEG Fees or Franchise Fees paid to the Cities/County the value of Suddenlink's other non-cash PEG services and facilities provided pursuant to its State Video Franchise and its obligations under the applicable sections of the Cities/County Codes dealing with state video franchise holders.
  - d. not modify or reduce the other non-cash PEG services and facilities being provided by Suddenlink to the Cities/County as of the Effective Date of this Agreement.
6. The Parties acknowledge that this Agreement must be separately approved by the governing bodies of the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, and Rio Dell, and the County of Humboldt, California. .
7. The Parties acknowledge and agree that this Agreement is the result of compromise of the disputed claims and is not an admission of liability or responsibility or error on the part of the Cities/County or Suddenlink. This Agreement is without prejudice to any Party's claims or defenses in any future proceedings between the Parties to this Agreement, except to the extent that such claim or defense is inconsistent with the express promises herein.

8. This Agreement is governed by and subject to the laws of the State of California and applicable federal law. The Cities/County and Suddenlink each acknowledge and agree that the releases contained in this Agreement are special releases and that §1542 of the Civil Code of the State of California is not applicable. If and to the extent it should be determined that the releases contained in this Agreement are not special releases, contrary to the acknowledged intention and agreement of the Cities/County and Suddenlink, each party specifically waives the benefit of the provisions of §1542 of the Civil Code of the State of California, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

11. This Agreement may be executed in counterparts, and the counterparts, taken together, shall constitute the original for all purposes.
12. The parties agree to execute any and all documents necessary to effectuate the terms, conditions, purposes and aims of this Agreement.
13. This Agreement constitutes the full and entire agreement among the Parties with respect to the settlement of this dispute, superseding all prior agreements, negotiations and discussions among the Parties; and the Parties acknowledge that there is no other agreement, oral or written, regarding the subject matter of the Agreement. No modification of any of the terms or provisions of this Agreement shall be binding on any Party to this Agreement unless made in writing and signed by a duly authorized representative of such Party.
14. This Agreement shall be binding on Suddenlink and any, voluntary or involuntary successor or assign in whole or in part of: (i) the Suddenlink State Video Franchise as the same may be renewed or extended; or (ii) the cable system controlled by Suddenlink and serving one or more of the Cities/County.
15. This Agreement is freely and voluntarily given by each Party, without any duress or coercion, and after each Party has consulted with its counsel. Each Party has carefully and completely read all of the terms and provisions of this Agreement. Neither Suddenlink, nor the Cities/County will take any action to challenge the validity or enforceability of any provision of this Agreement; nor will they participate with any other person or entity in any such challenge.
16. All notices or other communications required or permitted to be made or given hereunder shall be in writing and shall be mailed overnight delivery or otherwise delivered in an expedited manner (via email or fax) to the below addresses or at such other address as may be specified by the parties in writing:

For: Suddenlink:

Michael Zarrilli  
Suddenlink Communications  
520 Maryville Centre Drive  
Suite 300  
St. Louis, MO 63141

For Cities/County:

Sean McLaughlin  
Access Humboldt  
P.O. Box 157  
Eureka, California 95502

17. No waiver of any provision of this Agreement or any breach of this Agreement shall be effective unless such waiver is in writing and signed by the waiving party and any such waiver shall not be deemed a waiver of any other provision of this Agreement or any other or subsequent breach of this Agreement.
18. Each of the officers or agents executing this Agreement on behalf of the respective Parties hereto warrants that he or she is empowered to do so and thereby bind his or her respective corporation.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement and Release as follows, as of the dates indicated below:

Dated:

\_\_\_\_\_, 2015

Cebridge Acquisition, L.P. d/b/a  
Suddenlink Communications on behalf of  
itself and its affiliates and their respective  
predecessors, successors and assigns.

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated:

\_\_\_\_\_, 2015

City of Arcata, California

By: \_\_\_\_\_



Attest

\_\_\_\_\_  
City Clerk

Its: \_\_\_\_\_

Dated:

\_\_\_\_\_, 2015

City of Blue Lake, California

By: \_\_\_\_\_

Attest

\_\_\_\_\_  
City Clerk

Its: \_\_\_\_\_

Dated:

\_\_\_\_\_, 2015

City of Eureka, California

By: \_\_\_\_\_

Attest

\_\_\_\_\_  
City Clerk

Its: \_\_\_\_\_

Dated:

\_\_\_\_\_, 2015

City of Ferndale, California

By: \_\_\_\_\_

Attest

\_\_\_\_\_  
City Clerk

Its: \_\_\_\_\_

Dated:

\_\_\_\_\_, 2015

City of Fortuna, California

By: \_\_\_\_\_

Attest

\_\_\_\_\_  
City Clerk

Its: \_\_\_\_\_

Dated:

City of Rio Dell, California

\_\_\_\_\_, 2015

By: \_\_\_\_\_

Attest

Its: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Dated:

County of Humboldt, California

\_\_\_\_\_, 2015

By: \_\_\_\_\_

Attest

Its: \_\_\_\_\_

\_\_\_\_\_  
City Clerk

# CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004098	9/04/2015	[5235] ADVANTAGE FINANCIAL SERVICES	DOCSTAR 3.12 SOFTWARE PACKAGE DOCSTAR USER LICENSES AND SYSTEM SOFTWARE	343.42
0004099	9/04/2015	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT CASE #200000001183524 FOR PPE 8/2	81.69
0004100	9/04/2015	[2302] CLYDE'S TOWING, INC.	TOW 2008 FORD F-350 TRUCK TO CITY YARD	125.00
0004101	9/04/2015	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 8/21/15	120.00
0004102	9/04/2015	[2366] EEL RIVER DISPOSAL INC	GARBAGE BAGS FOR AUGUST 2015	526.00
0004103	9/04/2015	[2414] FRANCHISE TAX BOARD	EARNINGS WITHHOLDING ORDER FOR TAXES FOR PPE	351.00
0004104	9/04/2015	[4099] HARPER MOTORS	REPAIR GEAR SHIFT ON 2003 FORD F-350 TRUCK	358.18
0004105	9/04/2015	[2410] NORTH COAST CLEANING SERVICES, INC.	MONTHLY CLEANING SERVICE FOR AUGUST 2015	471.00
0004106	9/04/2015	[4393] NYLEX.net. Inc.	MONTHLY MAINTENANCE FOR SEPTEMBER 1, 2015 THR	861.25
0004107	9/04/2015	[2659] RIO DELL PETTY CASH	CITY CAR WASH; ENVELOPES; HOT CUPS	33.39
0004108	9/04/2015	[2742] SCOTIA TRUE VALUE HARDWARE	UPS SHIPPING CHARGES	40.46
0004109	9/04/2015	[4525] SHERLOCK RECORDS MGMT	6" VICTOR GOPHER TRAP	
0004110	9/04/2015	[2319] SUDDENLINK COMMUNICATIONS	90Z GORILLA CONSTRUCTION ADHESIVE STORAGE SERVICE FOR THE MONTH OF AUGUST 2015	89.20
0004111	9/04/2015	[5494] SUSAN E TOWNSEND	MONTHLY BROADBAND SERVICE FOR SEPTEMBER 2015	248.29
0004112	9/04/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	BRIDGE TOLL REIMBURSEMENT FOR TRAINING IN FRE	5.00
0004113	9/04/2015	[5166] VSP-VISION SERVICE PLAN	RETIREMENT FOR PPE 8/21/15	5,291.00
0004114	9/04/2015	[2787] WYCKOFF'S	VISION INSURANCE FOR SEPTEMBER 2015	432.07
0004115	9/15/2015	[0576] 101 AUTO PARTS	3- GAL V PIPE NIPPLES; 2-GALV 90 DEG ELBOWS; 1 12OZ DEEP CREEP; 8 SPARK PLUGS, 1 AIR FILTER RETURN 8 SPARK PLUGS FOR 2008 FORD F250 TRUCK	73.92
			8 SPARK PLUGS FOR 2008 FORD F250 TRUCK LOCKING GAS CAPS FOR 2002 GMC SIERRA TRUCK, 2	461.20
0004116	9/15/2015	[3108] ACCUFUND, INC.	PROFESSIONAL SERVICES TO CREATE REPORT FOR WA	87.50
0004117	9/15/2015	[5443] AIRGAS USA, LLC	CYLINDER RENTAL	21.00
0004118	9/15/2015	[2225] AQUA SIERRA CONTROLS, INC	ATI CHLORINE ANALYZER PROBE; ATI CHLORINE ANA	10,351.63
0004119	9/15/2015	[3975] AT&T - 5709	PHONE EXPENSES FOR AUGUST 2015	561.41
0004120	9/15/2015	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT CASE #200000001183524 FOR PPE 9/4	81.69
0004121	9/15/2015	[5330] CAPITAL ONE COMMERCIAL	COSTCO - 1.5" BINDERS & WRITING PADS	119.16
0004122	9/15/2015	[2293] CITY OF FORTUNA	HOOVER VACUUM CLEANER POLICE DISPATCH SERVICES FOR SEPTEMBER 2015	2,075.00

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004123	9/15/2015	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 9/4/15	120.00
0004124	9/15/2015	[5127] DELTA DENTAL	DENTAL INSURANCE FOR OCTOBER 2015	1,987.67
0004125	9/15/2015	[4995] TAUME DEMARCO	CUSTOMER DEPOSIT REFUND	13.68
0004126	9/15/2015	[5687] ENGINEERED FIRE SYSTEMS, INC.	PLAN REVIEW FOR THE MONTH OF AUGUST 2015	450.00
0004127	9/15/2015	[2393] FASTENAL COMPANY	SAFETY GLASSES; GLOVES; EAR PLUGS	1,152.05
			MISC SMALL TOOLS & OPERATING SUPPLIES	
			12 IC WB WHITE 17OZ	
			MISC OPERATING SUPPLIES	
			MISC OPERATING SUPPLIES FOR MAINTENANCE & REP	
0004128	9/15/2015	[2405] FORTUNA ACE HARDWARE	PLUMBING TUBING	63.28
0004129	9/15/2015	[2414] FRANCHISE TAX BOARD	EARNINGS WITHHOLDING ORDER FOR TAXES FOR PPE	351.00
0004130	9/15/2015	[5241] GE CAPITAL	XEROX COPIER PAYMENT FOR SEPTEMBER 2015	482.13
0004131	9/15/2015	[5883] GROSSE, MICHAEL	CUSTOMER DEPOSIT REFUND	192.36
0004132	9/15/2015	[2465] HUMBOLDT TRANSIT AUTHORITY	TDA MEMBER ASSESSMENT RTS - FY 2015-2016	41,865.00
0004133	9/15/2015	[5334] J.B. FABRICATION	SLUDGE DRYER REPAIR	543.72
0004134	9/15/2015	[2499] J.P. COOKE CO.	ANIMAL LICENSE TAGS	70.48
0004135	9/15/2015	[4908] MITCHELL BRISSO DELANEY & VRIEZE	ANIMAL LICENSE TAGS	
			LEGAL SERVICES FOR AUGUST 2015	4,532.90
			LEGAL SERVICES FOR AUGUST 2015	
			LEGAL SERVICES FOR AUGUST 2015	
			LEGAL SERVICES FOR AUGUST 2015	
			LEGAL SERVICES FOR AUGUST 2015	
			LEGAL SERVICES FOR AUGUST 2015	
0004136	9/15/2015	[2570] NILSEN COMPANY	63 - 40LB BAGS SOLAR ROCK SALT	330.00
0004137	9/15/2015	[2569] NORTH COAST LABORATORIES, INC.	AMMONIA NITROGEN W/O DISTILLATION; NITRATE/NITRATED ACIDS; DIOXINS-1613B; DRINKING WA	3,182.00
			GENERAL MINERAL & INORGANIC-MINERALS; HALOACE	
0004138	9/15/2015	[4393] NYLEX.net, Inc.	GATEWAY STANDARD PACKAGE ANNUAL SUBSCRIPTION	580.00
0004139	9/15/2015	[2603] PG&E	UTILITY EXPENSES FOR AUGUST 2015	
0004140	9/15/2015	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	16,773.49
0004141	9/15/2015	[2742] SCOTIA TRUE VALUE HARDWARE	2 LAG SCREWS & 56 LAG BOLTS	800.00
			3 BAGS 60LB CONCRETE MIX	116.90
			88" STARTER ROPE/HANDLE	
			2 4X4 POST BASE ZMAX	
			5 MINUTE EPOXY; 2" BLK PLUG	
			1-1/2 BLK PLUG; 1-1/4 BLK PLUG	

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004142	9/15/2015	[2694] SHELL OIL CO.	PD FUEL EXPENSES FOR AUGUST 2015 ADMIN CAR FUEL EXPENSES FOR AUGUST 2015 PW FUEL EXPENSES FOR AUGUST 2015 PD FUEL EXPENSES FOR SEPTEMBER 2015 PW FUEL EXPENSES FOR SEPTEMBER 2015 PAGING SERVICES FOR SEPTEMBER 2015 INTERNET SERVICE FROM 9/10/15 THROUGH 10/9/15 RETIREMENT FOR PPE 9/4/15 AMAZON - HAWKING HMPS1U PORT USB 2.0 PRINT SE AMAZON - REFURBISHED LEXMARK T630 PRINTER DELL ONLINE - TWO DELL 2500 PAGE BLACK TONER DELL ONLINE - DELL 2500 PAGE BLACK TONER CART	1,848.72
0004143	9/15/2015	[2710] STARPAGE		12.95
0004144	9/15/2015	[2319] SUDDENLINK COMMUNICATIONS		134.95
0004145	9/15/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361		5,247.55
0004146	9/23/2015	[2237] BANK OF AMERICA BUSINESS CARD		1,586.49
0004147	9/23/2015	[3206] CALIFORNIA POLICE CHIEFS ASSOCIATION		150.00
0004148	9/23/2015	[2285] CC MARKET (1)		34.99
0004149	9/23/2015	[2619] PITNEY BOWES, INC. (QTR Pymnt)		168.73
0004150	9/23/2015	[4338] QUILL CORPORATION		17.31
0004151	9/23/2015	[3032] RENDEZVOUS MUSIC & VENDING		64.00
0004152	9/23/2015	[2655] RENNER PETROLEUM		794.25
0004153	9/23/2015	[2742] SCOTIA TRUE VALUE HARDWARE		46.81
0004154	9/23/2015	[5647] WHITCHURCH ENGINEERING, INC.		12,687.50
0004155	9/23/2015	[4310] CAMERON D YAPLE		80.00
0004156	9/29/2015	[5235] ADVANTAGE FINANCIAL SERVICES		343.42
0004157	9/29/2015	[5750] AERO-MOD		2,135.51
0004158	9/29/2015	[3975] AT&T - 5709		156.75
0004159	9/29/2015	[5769] BLUE SHIELD OF CALIFORNIA		14,351.26
0004160	9/29/2015	[2303] COAST CENTRAL CREDIT UNION		60.00
0004161	9/29/2015	[3485] CONN CONSTRUCTION 1		6,403.80
0004162	9/29/2015	[2411] DEARBORN NATIONAL LIFE INSURANCE COMPANY		176.00



# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004163	9/29/2015	[4382] DOCUSTATION, INC.	MONTHLY MAINTENANCE & COPY CHARGES FOR SEPTEMBER	624.16
0004164	9/29/2015	[2414] FRANCHISE TAX BOARD	EARNINGS WITHHOLDING ORDER FOR TAXES FOR PPE	351.00
0004165	9/29/2015	[2569] NORTH COAST LABORATORIES, INC.	COLIFORM PRESENCE/ABSENCE AMMONIA NITROGEN W/O DISTILLATION; NITRATE/NI COLIFORM QUANTI-TRAY	250.00
0004166	9/29/2015	[2742] SCOTIA TRUE VALUE HARDWARE	NINE - 60LB CONCRETE MIX THREE - 60LB CONCRETE MIX	86.86
0004167	9/29/2015	[2709] STAPLES DEPT. 00-04079109	TWO - 4PK 20Z GIANT DESTROYER TWO - 200 PACK BRIGHT YELLOW 4-UP POSTCARD ST	216.45
0004168	9/29/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	EIGHT - 200 PACK BRIGHT YELLOW 4-UP POSTCARD CLEANING KIT	
0004169	9/29/2015	[5166] VSP-VISION SERVICE PLAN	RETIREMENT FOR PPE 9/18/15	4,566.82
0004170	9/29/2015	[2779] WILDWOOD SAW	VISION INSURANCE FOR OCTOBER 2015 THREE BLADES FOR THE WEEDEATERS TWO EACH TRIMMER HEAD NUTS, THRUST WASHERS, R	346.97 184.17
0004171	9/29/2015	[5569] BROOKE D E WOODCOX	REIMBURSEMENT FROM SCORE FOR MILEAGE TO ANDER	82.80
0004172	9/30/2015	[2757] US POSTMASTER	POSTAGE FOR THE MONTH OF SEPTEMBER 2015 FOR U	375.40
Total Checks/Deposits				150,391.74

# CITY OF RIO DELL CHECK REGISTER

General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004173	10/09/2015	[4109] ACCESS HUMBOLDT	ON BEHALF OF LFA'S PER AGREEMENT OF JUNE 1, 2	270.00
0004174	10/09/2015	[5603] AKSELSEN, KENDRA	CUSTOMER DEPOSIT REFUND	141.24
0004175	10/09/2015	[3875] AT&T - 5709	PHONE EXPENSES FOR SEPTEMBER 2015	608.08
0004176	10/09/2015	[2293] CITY OF FORTUNA	LAB TESTING FOR JULY THROUGH SEPTEMBER 2015	4,140.00
0004177	10/09/2015	[2340] DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	POLICE DISPATCH SERVICES FOR OCTOBER 2015 BLOOD ALCOHOL ANALYSIS FOR JULY 2015	35.00
0004178	10/09/2015	[2366] EEL RIVER DISPOSAL INC	GARBAGE BAGS FOR SEPTEMBER 2015	498.25
0004179	10/09/2015	[5241] GE CAPITAL	REIMBURSEMENT FOR PERSONAL PROPERTY TAXES ON	554.91
0004180	10/09/2015	[5052] GHD, INC	XEROX COPIER PAYMENT FOR OCTOBER 2015 ENGINEERING SERVICES FOR SDWSRF GRANT APPLICA	1,104.50
0004181	10/09/2015	[5689] MENDES SUPPLY COMPANY	ENGINEERING SERVICES FOR METROPOLITAN WELL RE	302.42
0004182	10/09/2015	[5290] BRITTANY MILLER	TWO CASES TOILET TISSUE; THREE CASES PAPER TO	39.35
0004183	10/09/2015	[4908] MITCHELL BRISSE DELANEY & VRIEZE	CUSTOMER DEPOSIT REFUND LEGAL SERVICES FOR SEPTEMBER 2015	3,949.40
0004184	10/09/2015	[2410] NORTH COAST CLEANING SERVICES, INC.	LEGAL SERVICES FOR SEPTEMBER 2015	
0004185	10/09/2015	[2569] NORTH COAST LABORATORIES, INC.	LEGAL SERVICES FOR SEPTEMBER 2015	
0004186	10/09/2015	[4393] NYLEX.net. Inc.	LEGAL SERVICES FOR SEPTEMBER 2015	
0004187	10/09/2015	[2633] PURCHASE POWER	MONTHLY CLEANING SERVICE FOR SEPTEMBER 2015	471.00
0004188	10/09/2015	[4338] QUILL CORPORATION	AMMONIA NITROGEN W/O DISTILLATION; SUBCONTRAC	194.00
0004189	10/09/2015	[5222] R.J. RICCIARDI, INC	ANIONS BY ION CHROMATOGRAPHY MONTHLY MAINTENANCE FOR OCTOBER 15, 2015 THRO	900.00
0004190	10/09/2015	[2659] RIO DELL PETTY CASH	METER POSTAGE OVERAGE FEE ONE PACK ADDING MACHINE TAPE; ONE PACK SCISSO	6.50
0004191	10/09/2015	[2664] ROGERS MACHINERY INC	ONE BOX 9X12 ENVELOPES; ONE BOX 1/3 CUT LETTE	127.75
			TWO BOXES PENS	
			PROFESSIONAL SERVICES FOR THE PERIOD ENDING S	1,475.00
			CWEA MINI CONFERENCE FOR WASTEWATER SUPERVISO	70.09
			LABOR TO REPLACE FINISH PUMPS	491.75

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004192	10/09/2015	[4525] SHERLOCK RECORDS MGMT	STORAGE SERVICE, BOX RETRIEVAL AND REFILING	110.20
0004193	10/09/2015	[2682] SMALL CITIES ORGANIZED RISK EFFORT (SCORE)	QUARTERLY PREMIUM FOR WORKER'S COMPENSATION I	20,217.00
0004194	10/09/2015	[2710] STARPAGE	PAGING SERVICES FOR THE MONTH OF OCTOBER 2015	12.95
0004195	10/09/2015	[2319] SUDDENLINK COMMUNICATIONS	MONTHLY BROADBAND SERVICE FOR OCTOBER 2015	250.00
0004196	10/09/2015	[4818] THREE G's HAY & GRAIN	3000 14-1/2 X 24 SAND BAGS	1,360.80
0004197	10/09/2015	[5907] TUFTS POLYGRAPH AND INVESTIGATION	POLICE OFFICER APPLICANT BACKGROUND INVESTIGA	200.00
0004198	10/09/2015	[2779] WILDWOOD SAW	WATER PUMP REPAIRS; AUTO CUT WEEDEATER BLADES	143.95
0004199	10/09/2015	[2787] WYCKOFF'S	DEEP LEAF RAKE; TEL ANOD POLE	39.35
0004200	10/14/2015	[0576] 101 AUTO PARTS	NEW STARTER FOR 2008 FORD F250 TRUCK TAIL LAMP	362.80
0004201	10/14/2015	[5443] AIRGAS USA, LLC	BATTERY & CORE DEPOSIT	21.00
0004202	10/14/2015	[2225] AQUA SIERRA CONTROLS, INC	STARTING FLUID AIR BRAKE TUBING	49.91
0004203	10/14/2015	[2303] COAST CENTRAL CREDIT UNION	CYLINDER RENTAL	60.00
0004204	10/14/2015	[5127] DELTA DENTAL	SHIPPING & HANDLING CHARGES TO SEND PUMP CONT	1,987.67
0004205	10/14/2015	[2414] FRANCHISE TAX BOARD	POA DUES FOR PPE 10/2/15 DENTAL INSURANCE FOR NOVEMBER 2015	351.00
0004206	10/14/2015	[2750] HD Supply Facility Maintenance DBA: USA BLUEBOOK	EARNINGS WITHHOLDING ORDER FOR TAXES FOR PPE TWO PACKS HACH NITRAVER 5 POWDER PILLOWS; 50	226.96
0004207	10/14/2015	[2481] HUMBOLDT COUNTY TAX COLLECTOR	PROPERTY TAX 2015/2016 ASMT #205-111-039-000	2,241.78
0004208	10/14/2015	[4360] MODERN MARKETING, INC	TWELVE NITRILE GLOVES	318.98
0004209	10/14/2015	[2569] NORTH COAST LABORATORIES, INC.	TOTAL + FECAL COLIFORM 3 X 5	165.00
0004210	10/14/2015	[2803] PG&E	UTILITY EXPENSES FOR SEPTEMBER 2015	16,643.73
0004211	10/14/2015	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	800.00
0004212	10/14/2015	[2619] PITNEY BOWES, INC. (QTR Pyment)	TWO BOXES RED INK CARTRIDGES	133.39
0004213	10/14/2015	[2664] ROGERS MACHINERY INC	AQUAVAR CONTROLLER FOR WET WELL PUMP	8,547.59
0004214	10/14/2015	[2742] SCOTIA TRUE VALUE HARDWARE	1TWO 1/16-1/8 WIRE ROPE CLIP 8 PK DURACELL AA ALK BATTERIES 1/4 CLOSE BRS STD NIPPLE TWO MP BASIC 9" 3/4" COVER 3/4 X2 BLK NIPPLE; 3/4XCLOSE BLK NIPPLE; 3/4" 12V UNIV ACCESSORY PLUG; 2W 12V ADAPTER	49.04

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004215	10/14/2015	[2694] SHELL OIL CO.	PD FUEL EXPENSES FOR SEPTEMBER 2015 PW FUEL EXPENSES FOR SEPTEMBER 2015 ADMIN CAR FUEL EXPENSES FOR SEPTEMBER 2015 PD FUEL EXPENSES FOR OCTOBER 2015 CLEAN WATER STATE REVOLVING FUND FINANCING	1,424.55
0004216	10/14/2015	[2724] STATE WATER RESOURCES CONTROL BOARD	AG	302,933.39
0004217	10/14/2015	[4152] STOKES & ASSOCIATES, DBA	BACKGROUND INVESTIGATION FOR POLICE OFFICER C	650.00
0004218	10/14/2015	[2319] SUDDENLINK COMMUNICATIONS	INTERNET SERVICE FROM 10/10/15 TO 11/9/15	134.95
0004219	10/14/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 10/2/15	4,591.76
0004220	10/14/2015	[2779] WILDWOOD SAW	STIHL KM110R TRIMMER HEAD AND HL135-KM HEDGE	532.34
0004221	10/22/2015	[2225] AQUA SIERRA CONTROLS, INC	ATI RESIDUAL SULFITE ANALYZER	8,988.76
0004222	10/22/2015	[2237] BANK OF AMERICA BUSINESS CARD	U-HAUL OF EUREKA - BOXES	1,701.11
			HARBOR FREIGHT- 21 PC 1/2" DR SAW/MET; 21 PC HARBOR FREIGHT - 6HP SUBMERSIBLE UTILITY PUMP	
0004223	10/22/2015	[4937] CALIFORNIA DEPARTMENT OF TRANSPORTATION	CSMFO - REFUND FOR INTERMEDIATE GOVT ACCOUNT	180.52
0004224	10/22/2015	[5330] CAPITAL ONE COMMERCIAL	SIGNALS & LIGHTING FOR JULY 2015 THROUGH SEPT	
0004225	10/22/2015	[2301] MARK A. CLEMENTI, PH.D.	COSTCO - HOT CUPS & SPONGES	40.75
0004226	10/22/2015	[2366] EEL RIVER DISPOSAL INC	PRE-EMPLOYMENT PSYCHOLOGICAL EVALUATION DEBRIS FROM CLEAN UP @ 61 MONUMENT-HUMBOLDT H	625.00
0004227	10/22/2015	[5052] GHD, INC	ENGINEERING SERVICE FOR METROPOLITAN WELLS PR	584.75
0004228	10/22/2015	[5909] ICMA MEMBERSHIP RENEWALS	MEMBERSHIP DUES FOR 7/1/15 - 6/30/16	264.50
0004229	10/22/2015	[2485] INDUSTRIAL ELECTRIC	REBUILD 30HP MOTOR FOR WATER PLANT	974.70
0004230	10/22/2015	[2521] LEAGUE OF CALIF. CITIES	DIVISION MEETING ON AC - 10/1/15	731.64
0004231	10/22/2015	[3484] NATIONAL METER & AUTOMATION, INC	SMALL PORTABLE TESTING METER	40.00
0004232	10/22/2015	[3032] RENDEZVOUS MUSIC & VENDING	COFFEE	1,107.06
0004233	10/22/2015	[2657] RIO DELL EMPLOYEES ASSOC	DUES FOR QUARTER ENDING 9/30/15	63.00
0004234	10/22/2015	[2662] RIO DELL/SCOTIA CHAMBER OF COMMERCE	BUSINESS MEMBERSHIP DUES	92.00
0004235	10/22/2015	[2742] SCOTIA TRUE VALUE HARDWARE	TWO 80LB CONCRETE MIX FOUR 6 1/2" GREEN T FENCE POSTS FOR 61 MONUME	50.00
0004236	10/22/2015	[4570] SHRED AWARE	SHREDDING	47.54
0004237	10/22/2015	[5297] VERSATILE INFORMATION PRODUCTS, INC.	ANNUAL SUPPORT FOR PUMA LITE MANAGEMENT APPLI	70.00
0004238	10/22/2015	[2779] WILDWOOD SAW	REPAIRS FOR THREE WEEDEATERS	1,103.00
0004239	10/27/2015	[5235] ADVANTAGE FINANCIAL SERVICES	DOCSTAR 3.12 SOFTWARE PACKAGE	403.88
			DOCSTAR USER LICENSES & SYSTEM SOFTWARE	343.42
0004240	10/27/2015	[4070] AMERICAN RIVER COLLEGE	SACRAMENTO FIELD TRAINING OFFICER COURSE	36.00

CITY OF RIO DELL  
CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0004241	10/27/2015	[3975] AT&T - 5709	INTERNET SERVICE FROM OCT 16, 2015 TO NOV 15,	55.90
0004242	10/27/2015	[5769] BLUE SHIELD OF CALIFORNIA	HEALTH INSURANCE FOR NOVEMBER 2015	14,926.84
0004243	10/27/2015	[5882] CASTELLANOS, SOCORRO	CUSTOMER DEPOSIT REFUND	203.50
0004244	10/27/2015	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 10/16/15	60.00
0004245	10/27/2015	[2411] DEARBORN NATIONAL LIFE INSURANCE COMPANY	LIFE INSURANCE FOR NOVEMBER 2015	208.00
0004246	10/27/2015	[2414] FRANCHISE TAX BOARD	EARNINGS WITHHOLDING ORDER FOR TAXES FOR PPE	37.40
0004247	10/27/2015	[2437] HACH	THREE REAGENT SET, CHLORINE FREE CL17	185.04
0004248	10/27/2015	[4780] HUMBOLDT COUNTY PLANNING DIVISION	GIS SUPPORT	181.94
0004249	10/27/2015	[2474] HUMMEL TIRE & WHEEL, INC	2008 FORD F-250 TRUCK THRUST/LINE ALIGNMENT	79.00
0004250	10/27/2015	[5334] J.B. FABRICATION	SANDBLASTING & POWDER COATING	500.00
0004251	10/27/2015	[5676] KRUEGER, PETER	CUSTOMER DEPOSIT REFUND	121.21
0004252	10/27/2015	[2569] NORTH COAST LABORATORIES, INC.	COLIFORM QUANTI-TRAY	60.00
0004253	10/27/2015	[2742] SCOTIA TRUE VALUE HARDWARE	FIVE - 1X2X18 WD STAKES	78.91
			TWO ZIP TIES	
			FOUR - HWH NEO TEK 1/4 -14X2; FOUR FENDER WAS	
			HOME PRO BUSH CADDY; ONE GALLON ANTI-BASTERIC	
0004254	10/27/2015	[2319] SUDDENLINK COMMUNICATIONS	MONTHLY BROADBAND SERVICE FOR NOVEMBER 2015	250.00
0004255	10/27/2015	[2719] SWRCB OFFICE OF OPERATOR CERT	APPLICATION FOR T3 WATER TREATMENT OPERATOR C	90.00
0004256	10/27/2015	[5907] TUFTS POLYGRAPH AND INVESTIGATION	POLICE OFFICER APPLICANT BACKGROUND INVESTIGA	200.00
0004257	10/27/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 10/16/15	4,589.57
0004258	10/27/2015	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR NOVEMBER 2015	346.97
0004259	10/29/2015	[2757] US POSTMASTER	POSTAGE FOR UTILITY BILLING FOR THE MONTH OF	378.11
Total Checks/Deposits				419,937.35